

## Agreement No. CFCE-104-2020

### EMERGENCY REGULATORY PROVISIONS OF THE FEDERAL ECONOMIC COMPETITION LAW TO MAKE PERSONAL NOTIFICATIONS BY EMAIL

Pursuant articles 28 paragraphs 14<sup>th</sup>, 20<sup>th</sup> section IV, and 21<sup>st</sup> of the Political Constitution of the United Mexican States, articles 12 section XXII, second paragraph, 20 sections XI and XII, 117, last paragraph of the Federal Economic Competition Law (LFCE), as well as 1, 3, 4 sections I and II, 5, section XIII, 6, 7, 8 third paragraph and 12, section XXXV of the Organizational Statute in force (Statute), as well as the *“Agreement of the Board authorizing remote sessions under the present health contingency and repealing certain articles of the Guidelines for operation of the Board”*, (1) the Board of the Federal Economic Competition Commission (Commission), in extraordinary session held on April 20, 2020, manifests its conformity to issue the present agreement:

#### CONSIDERING

1. In terms of article 12 section XXII of the LFCE, it is the attribution of the Commission to issue the necessary Regulatory Provisions to comply with its attributions, which must be subjected to public consultation, except when the Commission considers that the effects sought to be achieved by these could be compromised or in the case of emergency situations.
2. Article 163, section VI of the Regulatory Provisions of the LFCE establishes that notifications can be conducted through electronic means in terms set by provisions issued by the Commission.
3. On March 31, 2020, the Ministry of Health published in the Federal Official Gazette the *“Agreement establishing extraordinary actions to address the health emergency caused by the SARS-CoV2 virus”* in response to the health emergency caused by COVID-19, in order for the public, social and private sectors to implement the immediate suspension of non-essential activities from March 30 to April 30, 2020, “in order to mitigate the spread and transmission of the SARS-CoV2 virus in the community, to reduce the burden of the disease, its complications and death from COVID-19 in the population living in the national territory”, according to which only activities of law enforcement and activities of the fundamental sectors of the economy, among others, may remain in operation.
4. Therefore, and in the face of the health emergency, on March 19, 2020, this collegiate body issued the *“Agreement of the Board of Commissioners concerning the suspension of legal terms for some procedures filed before COFECE”*, published in the DOF on March 24, 2020, and on April 14 of the same year issued the *“Agreement of the Board of Commissioners concerning the suspension of legal terms for some procedures filed before COFECE”*, published in the DOF on April 17, 2020.

5. Given the emergency situation described and with the aim of effectively fulfill its objective, this Commission deems necessary to issue these emergency Regulatory Provisions of the Federal Economic Competition Law to make personal notifications.

Therefore, the Board of this Commission:

AGREES:

**Single.** The emergency Regulatory Provisions of the Federal Economic Competition Law (LFCE) are issued to make personal notifications by email in the following terms:

**Article 1.** During the health emergency caused by the SARS-CoV2 virus those notifications that must be made in-person may be submitted by email considering the rules provided by these Regulatory Provisions.

**Article 2.** Notification by email can only be done to the email address of either the person subject to the procedure, his or her representatives or authorized persons, as long as there is certainty that the corresponding email belongs to them.

To these effects, it will only be considered as true, among others, those emails received by the Commission's officials requesting:

- i) the conditional benefit referred to in article 103 of the LFCE;
- ii) meetings with the Commission's officials in terms of article 56, section II of the Commission's Organizational Statute;
- iii) oral hearings in terms of article 83, section VI of the LFCE, or
- iv) interviews in terms of article 25 of the LFCE.

It is understood that persons are subject to the procedure when they have filed a promotion before the Commission in the corresponding file.

**Article 3.** The notification will be made by attaching to the email a digital copy of the corresponding agreement or resolution.

The recipient shall confirm the reception of both the email and the agreement or resolution within the two following days after the Commission sent the email.

In these cases, the Commission will issue an agreement stating receipt of the corresponding confirmation, which will be notified by list.

The notifications made by email in the terms of these Regulatory Provisions will take effect the day after the agreement noting the reception of the confirmation is notified by list.

**Article 4.** If the Commission does not receive the confirmation referred to in the previous article within the prescribed period, the notification will be made by list,

pursuant to article 165 of the Regulatory Provisions of the LFCE and shall be considered personal for all legal effects.

#### **TRANSITORY ARTICLES**

**Single.** These Regulatory Provisions will come into force on the day of their publication in the Federal Official Gazette.

(1) Issued by the Board of Commissioners on March 26, 2020, published in the Federal Official Gazette on March 31, 2020.

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