

COFECE issues Emergency Regulatory Provisions for the processing and ruling of complaints regarding the Advertising Law.

Antitrust - September 1st, 2021

On August 31, 2021, in view of the enactment of the Law for Transparency, Prevention, and Combat of Unfair Practices in Advertising Contracts (the "Advertising Law"), the Plenum of the Federal Economic Competition Commission ("COFECE") issued Emergency Regulatory Provisions to provide legal certainty to the process of complaints that may be filed for the possible violations to the Advertising Law.

The main points to consider are as follows:

1. Investigations for violations of the Advertising Law shall be initiated by a complaint and shall be carried out by COFECE's Investigative Authority.
2. Only complaints filed by individuals or entities having a legal interest shall be admitted.
3. Investigations may be extended for up to 5 periods of 120 days each.
4. During the investigations, the Investigative Authority may request information and documents, summon individuals to testify, as well as order down raids at locations where there may be elements to be considered in the investigation.
5. When concluding its investigation, the Investigative Authority will submit to the COFECE's Plenum, the result of the investigation proposing to begin the administrative procedure in the form of trial or to close the case.
6. COFECE's Plenum will then decide whether the conduct typifies any prohibited conduct provided in the Advertising Law or not.

The Emergency Regulatory Provisions will enter into force once they are published in the Federal Official Gazette, which is expected to occur within in the following days.

Should you have any questions or comments, please do not hesitate to contact with our professionals.

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