

Second suspension in the activities of the Mexican Antitrust Commission and its procedures

The Board of the Commission in its exceptional session held on January 12, which was published in the Official Gazette on January 15,¹ decided that the initial suspension (December 14 to December 18 and January 11 to January 15, “Initial Suspension”) of terms will be extended. In this regard and effective as of January 18 of this year, all times and terms will be suspended until January 29, 2021 (“Second Suspension”), excepting those related to merger control procedures and the issuance of opinions or decisions in the granting of licenses, concessions, permits and similar procedures.

In addition to the foregoing, the procedures for which the terms will continue running normally are: (i) requests for formal opinions; (ii) general orientation; (iii) opinions related to article 12 sections XII, XIII, XIV, XV and XVIII of the Mexican Antitrust Act (the “Law”); (iv) public consultations; (v) the leniency program; (vi) the benefit of exemption or reduction of the amount of the fines; (vii) the next stage after the conclusion of the investigations for anticompetitive practices or illicit concentrations; (viii) the next stage after the conclusion of the investigations conducted in terms of articles 94 and 96 of the Law; (ix) the times for the Board of the Commission to issue a decision in any procedure, under certain conditions; (x) the procedure and necessary steps to submit evidence that had been ordered, as long as its submission specifically implies the presentation of documents; (xi) for the incidental and trial-like procedures, the summons for allegations and the terms to submit allegations, as well as the issuance of the notice related to the file integration; (xii) the procedures related to the interposition of constitutional control in terms of article 20, section II, and 95 second paragraph, of the Law, as well as the procedure set forth in article 5 of the Law; and (xiii) the actions aimed at the oral hearing provided for in article 83, section VI of the Law.

All the writs submitted before the Commission during the Initial Suspension and the Second Suspension periods that are not related to the procedures mentioned above will be considered submitted on February 2, 2021.

To obtain additional information contact our expert:

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S I N C E R E L Y

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¹ Available at: https://www.dof.gob.mx/nota_detalle.php?codigo=5609948&fecha=15/01/2021.