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Antitrust Practice Group Newsletter



Actions For Constitutional Dispute Resolution (*Controversias Constitucionales*) Filed Against the Law for Transparency, Prevention and Combat of Unfair Practices in Advertising Contracts

On July 15, 2021, the Mexican Supreme Court of Justice admitted for process the Constitutional Controversies or Actions for Constitutional Dispute Resolution filed by the Federal Telecommunications Institute (file number 93/2021) and by the Federal Economic Competition Commission (file number 94/2021), respectively, against the Law for Transparency, Prevention and Combating of Unfair Practices in Advertising Services (the "Advertising Law"), published on June 3, 2021, in the Federal Official Gazette.

Derived from the foregoing, the House of Representatives (*Cámara de Diputados*) and the Senate (*Cámara de Senadores*), as well as the Federal Executive, will have 30 business days to submit their responses to the claims in such Constitutional Controversies.

While the Federal Telecommunications Institute requested the declaration of invalidity of Articles 1 and 11 of the Advertising Law, the Federal Economic Competition Commission challenged it in its entirety, considering that it would affect free access and economic competition, therefore affecting the competences of such Commission, as well as its budgetary autonomy.

It should be noted that the Federal Economic Competition Commission requested provisional measures against all the effects and consequences of the Advertising Law, "specifically of the provisions in the Sole Transitory Article", which ordered the entry into force of the Advertising Law 90 days after its publication in the Federal Official Gazette. Nevertheless, such request was denied, provided that Article 14 of the Regulatory Law of Sections I and II of Article 105 of the Political Constitution of the United Mexican States expressly sets forth that the suspension "may not be granted in those cases in which the controversy has arisen with respect to general rules", as in this case. The Federal Economic Competition Commission has a term of five business days to file an appeal against the denial of the suspension.

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