

Press Release
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THE IFT WINS 18 WRITS OF AMPARO¹ (CONSTITUTIONAL PROCEEDINGS) FILED BY COMPANIES FROM GRUPO TELEvisa AGAINST THE PREPONDERANCE IN BROADCASTING RESOLUTION

- In each and every case, district court No. 2 on Administrative Matters Specialized in Economic Competition, Broadcasting and Telecommunications issued the sentences determining to discontinue the proceedings and neither to defend, nor to protect the aggrieved parties
- The judicial authority considered that the IFT duly established and justified the referred preponderance resolution
- Determination of the IFT of considering to declare the television sector as the preponderant economic agent, the radio sector excluded, complies with the purposes provided for by the constitutional reforms

The Federal Telecommunications Institute (*Instituto Federal de Telecomunicaciones*, IFT) has come up against 18 writs of amparo filed by the affiliated companies and subsidiaries of Grupo Televisa, claiming against the resolution where this economic interest group (stakeholders) is appointed as the Preponderant Economic Agent in the broadcasting sector. In each and every case, the regulatory body has obtained a favorable ruling.

These resources have been settled before the Second District Court for Administrative Matters Specialized Economic Competition, Broadcasting and Telecommunications, whose sentences resolved to dismiss and not to defend or protect the plaintive.

In this respect, the District Judge found that the IFT founded and duly motivated resolution preponderance, and that the determination taken by the regulatory body to account for such

¹ Editor's note: legal protection

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declaration only to the television sector and not the radio meets the purposes provided for in the decree of Constitutional Reforms, to generate competitive conditions within the highly concentrated and strategic broadcasting and telecommunication sectors.

Furthermore, it is deemed that exclusion of broadcasting permit holders is fully justified since they are not competing against any preponderant economic agent (PEA).

District Judge determined that it was not necessary to bring a procedure to issue a declaration of dominance and other diverse to establish measures, since the Constitution makes no such distinction; also considered that the fact that the Constitutional Reform refers to the declaration of the specific PEA, not meaning it can't be observed in the form of Economic Interest Group.

Contrary to what was appointed by the aggrieved parties, the Radio and Television System Unit did have the faculties to analyze the ratings over the broadcast television channels, considering such analysis had been validated by a specialized company in the subject.

It was also established that the Regulatory Policy Unit has the faculty to initiate and perform all actions necessary in the integration of any preponderance administrative procedure. Hence, it shall fall within the exclusive power of the Plenary of the institute to issue the corresponding resolution.

The District Judge considered that the plaintiffs had access to all evidence available to the IFT when the preponderance declaration was issued. It was likewise considered that the institute duly validated all evidence filed by the aggrieved parties, since the authority follows the principle of discretion and power, it is invested with by the law in the exercise of its functions.

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Resolutions dictated by the judge represent determinations at first instance; therefore, firms in dispute will have the possibility to lodge an appeal of review at the Collegiate Circuit Courts.

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The Federal Institute of Telecommunications (IFT) is the autonomous body entrusted with the regulation, promotion and supervision of the efficient performance of broadcasting and telecommunications sectors in Mexico, and also exercises, in exclusive manner, the authorities in matters of economic competition of such sectors pursuant to the Decree whereby several provisions of Articles 6, 7, 27, 28, 94 and 105 of the Political Constitution of the United Mexican States are amended and supplemented in telecommunications matters, published in the Federal Official Gazette on June 11th of 2013.

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