

# THE NEW TELECOMMUNICATIONS AND BROADCASTING LAW IS ENACTED, AND THE CREATION OF THE TELECOMMUNICATIONS REGULATORY COMMISSION IS ESTABLISHED

JULY 2025

## OVERVIEW

- The new "Telecommunications and Broadcasting Law", published in the Official Gazette of the Federation ("**DOF**", for its acronym in Spanish) on this past July 16 (the "**New Law**") introduces various modifications compared to the "Federal Telecommunications and Broadcasting Law," published in the DOF on July 14, 2014 (the "**Previous Law**").
- The authority that will replace the Ministry of Communications and Transportation on telecommunications and broadcasting matters will be the recently created Digital Transformation and Telecommunications Agency (the "**Agency**"), and the authority that will carry out the tasks that were previously conferred to the Federal Telecommunications Institute ("**IFT**", for its acronym in Spanish) will be the Telecommunications Regulatory Commission (the "**Commission**").

## BACKGROUND AND CONTENT

- On December 20, 2024, the Decree by which various provisions of the Mexican Constitution were amended, added, and repealed in matters of organizational simplification, aiming to dissolve seven autonomous constitutional bodies, including the IFT, was published in the DOF with the purpose of rationalizing public resources that were allocated to the operation and functioning of autonomous constitutional bodies, thereby allowing greater investment in social policies and programs (the "**Constitutional Amendment**").
- In its transitory provisions, it was established that both, the constitutional amendments related to the dissolution of the IFT and the amendments related to the exercise of authorities provided to it, would come into effect within 180 days from the entry into force of the secondary legislation on telecommunications and broadcasting to be issued by the Mexican Congress. Therefore, the IFT would be dissolved 180 days after the entry into force of the aforementioned secondary legislation.
- On April 23 of this year, the Federal Executive Branch presented before the Senate a bill with a draft decree issuing the New Law. Its purpose, according to its statement of reasons, is to establish the foundations for public policies in telecommunications and broadcasting; regulate the use, utilization, and exploitation of the radio-electric spectrum, public telecommunications networks, access to active and passive infrastructure, orbital resources, satellite communications, the provision of public telecommunications and broadcasting services of general interest, and the convergence between them; the rights of users and audiences, as well

as to ensure the efficient development of the telecommunications and broadcasting sectors.

- Additionally, new mechanisms for spectrum allocation were proposed, including shared use schemes, experimental authorizations, high-altitude platforms, controlled testing environments (regulatory sandboxes), and intelligent radiocommunications networks. These mechanisms will enable the incorporation of emerging technologies, such as direct satellite connectivity to devices, especially benefiting hard-to-reach areas.
- After following the applicable legislative procedure in the Mexican Congress, the initiative containing the New Law was approved on June 28, 2025, in the Senate, on July 1 in the House of Representatives, and the New Law was published yesterday, July 16, in the evening edition of the DOF.
- Consequently, this New Law will entry into force today, July 17, except for the provisions in connection with the Constitutional Amendment, in accordance with the First Transitory Provision of the New Law.
- The New Law will replace the Previous Law, which has been repealed.

## STRUCTURE OF THE NEW COMMISSION

- The Commission as a deconcentrated administrative body of the Agency, will have technical, operational, and management independence, required to act impartially in ruling its decisions. However, unlike the IFT, the Commission will no longer be a constitutionally autonomous body with its own legal personality and assets. Moreover, the Commission is conferred with the authority to issue Mexican Official Standards, in addition to guidelines in various matters in the telecommunications and broadcasting sectors.
- Previously, the IFT was composed of 7 Commissioners, with a tenure of 4 years extendable on one occasion for the President Commissioner, and 9 years non-extendable for the rest of the Commissioners. Also, its members were appointed by the head of the Federal Executive Branch and ratified by the Senate, except for the President Commissioner, who was appointed by the Senate on the proposal of the head of the Federal Executive Branch.
- Now, the Plenary of the Commission will be composed of 5 Commissioners, with a term of 3 years extendable on one occasion for the President Commissioner, and 7 non-extendable years for the rest of the Commissioners. Its members will be ratified by the Senate, following designation by the head of the Federal Executive Branch, which will also be responsible for appointing the President Commissioner.
- If the Senate does not approve two successive appointment proposals for the same vacancy in the Commission, the head of the Federal Executive Branch will appoint the person to fill the position without requiring the ratification of the Senate.

## NEW KEY TERMS

- **Audiences:** rights holders who perceive and consume audio or audiovisual content provided through the Broadcasting Service and the Restricted Television and Audio Service.
- **Social coverage:** access to and availability of telecommunications services in areas or for individuals from priority care population groups determined by the Agency, under conditions of quality, affordability, and/or gratuity, considering the prioritization criteria established in the respective program.
- **Registration Certificates:** amateur radio licenses and registration certificates for the operation of aeronautical systems, equipment used in special, cultural, sporting, or similar events, and those that, without commercial exploitation, require rights to transmit and receive signals and frequency bands associated with foreign satellite systems that cover and can provide services in national territory.
- **Unlocking:** removal of the technical restriction that Mobile Terminal Devices have so that they can be used on any technically compatible telecommunications network.
- **Digital platform:** a digital service provided by intermediaries via the internet to, among other

things, offer, supply, market, or mediate goods, services, applications, products, or content.

- **Passive infrastructure providers:** independent providers that offer or market passive infrastructure elements, including tower space, floor space, and auxiliary elements.
- **Smart radio-communications network:** a radio-communications network established in a defined geographical area, exclusively used for the specific needs of industries or other sectors, and that is logically, technically, and/or physically separated from public telecommunications networks.

## AUTHORITY ON ANTITRUST AND COMPETITION MATTERS

- Unlike what was provided in the Previous Law, the new authority on antitrust and competition will exercise the corresponding authority in the broadcasting and telecommunications sectors in this matter, and not the Agency nor the Commission.

## AUDIENCE RIGHTS

- Audience rights are added, by virtue of which, among others, they have the right: (i) to receive content that reflects the ideological, political, social, cultural, and linguistic pluralism of the Nation; (ii) to have elements provided to distinguish between advertising and program content; (iii) to the exercise of the right of reply, for which concessionaires will provide elements to distinguish between news information and opinions. Additionally, concessionaires must issue Codes of Ethics to protect audience rights.
- In this regard, the Commission will have the authority to precautionarily suspend broadcasts that violate the provisions set forth in the New Law concerning audience rights.

## SOLE CONCESSION FOR PUBLIC USE

- In accordance with its purposes, the sole concession for public use will grant the Federal Electricity Commission the right to provide internet and telecommunications services to end users, for the purpose of social coverage and to offer free

internet access in public sites.

## COLLABORATION FOR THE PROCUREMENT OF JUSTICE

Although the obligation for telecommunications concessionaires to comply with any written, founded, and motivated order from the competent authority under the terms set forth by the laws, as well as the obligation to collaborate with security, prosecution, and justice administration bodies in the real-time geolocation of terminal equipment remain in the New Law, it is important to note that these obligations must now be understood and interpreted within a new national framework of justice procurement that confers various authorities the power to request such information.

## LEGAL ACTS ISSUED BY THE IFT

- They will continue to have all their legal effects. In the case of legal instruments or equivalent acts entered into by the IFT, they will be considered valid and will bind in the new authority in matters of antitrust and competition, accordingly.

## CASES AND PROCEDURES INITIATED BEFORE THE IFT

- Cases and procedures initiated before the IFT prior to the entry into force of the New Law will continue their process before the Commission or before the new authority in antitrust and competition matters, accordingly.

## PERMITS AND ENABLING TITLES

- Beneficiaries of any valid enabling title at the time the New Law comes into effect, which grants the right to use and exploit frequency bands of the radio-electric spectrum issued prior to the Previous Law, must request the transition to the concession, authorization, or registration certificate regime, as applicable, within a period of 1 year.
- The validity of any enabling title whose transition to the applicable regime is not carried out will conclude at the end of the aforementioned period and, consequently, the frequencies subject to such permits will revert in full right to the Nation.

## NEW BIDDING PLAN

- It must be issued within 180 days following the entry into force of the New Law. The Commission will issue a bidding plan for frequency bands of the radio-electric spectrum for the provision of mobile wireless access service.

We remain available to provide you with any information or assistance related to the impact resulting from the entry into force of the New Law.



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[https://dof.gob.mx/nota\\_detalle.php?codigo=5745905&fecha=20/12/2024#gsc.tab=0](https://dof.gob.mx/nota_detalle.php?codigo=5745905&fecha=20/12/2024#gsc.tab=0).

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