

# TERRUM

A "New Era"  
for Telecommunications in  
Mexico?

By Carlos Campillo

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### Background

On June 7, 1995, the Federal Telecommunications Law ("LFT," for its initials in Spanish) was published in the Diario Oficial de la Federación ("DOF"). Pursuant to the eleventh transitory article of the LFT, the Federal Telecommunications Commission ("COFETEL") was established on August 8, 1996, as a decentralized body of the Ministry of Communications and Transportation ("SCT"). This established a hierarchical relationship and administrative dependence, with COFETEL tasked with regulating and promoting the efficient development of Mexico's telecommunications industry<sup>1</sup>.

Nearly nineteen years later, on June 11, 2013, a constitutional amendment transformed COFETEL into the Federal Telecommunications Institute ("IFT"). The IFT was established as an autonomous constitutional body, responsible for regulating telecommunications and broadcasting, with the objective of ensuring access to these technologies under conditions of competition and open access<sup>2</sup>.

**"This reform, known as Simplificación Orgánica, also aimed to eliminate several other autonomous bodies and transfer their functions to federal government agencies within the executive branch, including the newly created Digital Transformation and Telecommunications Agency (ATDT)."**

On July 14, 2014, the Federal Telecommunications and Broadcasting Law was published in the DOF. This law regulates, among other things: the use and exploitation of the radio spectrum (the space used to provide telecommunications and broadcasting services); public telecommunications networks; the provision of public telecommunications and broadcasting services of general interest (including fixed and mobile telephony, and restricted and open television services and content); and the convergence of these services<sup>3</sup>.

The law also established the rights of users and audiences, and the mechanisms for competition and free market access in these sectors, to align with the rights established in Articles 6, 7, 27, and 28 of the Political Constitution of the United Mexican States ("Constitution")<sup>4</sup>.

After nearly thirty years, the IFT served as a strong and independent regulatory body. While there was room for improvement in terms of efficiency and its capacity to adapt to new technologies, the constitutional reform of February 5, 2024, submitted by the executive branch to the Senate, sought to amend Article 28 of the Constitution and eliminate the IFT altogether, rather than build upon its existing foundation. This reform, known as Simplificación Orgánica, also aimed to eliminate several other autonomous bodies and

1.- Diario Oficial de la Federación: [https://www.dof.gob.mx/nota\\_to\\_imagen\\_fs.php?cod\\_diario=209157&pagina=47&seccion=0](https://www.dof.gob.mx/nota_to_imagen_fs.php?cod_diario=209157&pagina=47&seccion=0)

2.- Diario Oficial de la Federación: [https://www.dof.gob.mx/nota\\_to\\_imagen\\_fs.php?codnota=5301941&fecha=11/06/2013&cod\\_diario=252479](https://www.dof.gob.mx/nota_to_imagen_fs.php?codnota=5301941&fecha=11/06/2013&cod_diario=252479)

3.- Diario Oficial de la Federación: [https://www.dof.gob.mx/nota\\_detalle.php?codigo=5352323&fecha=14/07/2014#gsc.tab=0](https://www.dof.gob.mx/nota_detalle.php?codigo=5352323&fecha=14/07/2014#gsc.tab=0)

4.- <https://www.ift.org.mx/que-es-el-ift/ley-federal-de-telecomunicaciones-y-radiodifusion>



transfer their functions to federal government agencies within the executive branch, including the newly created Digital Transformation and Telecommunications Agency (ATDT). The reform became effective on December 21, 2024, following its publication in the DOF on December 20, 2024<sup>5</sup>.

On April 23, 2025, President Claudia Sheinbaum presented a bill to the Senate to create a new Law on Telecommunications and Broadcasting. This initiative outlines the secondary legislation required to regulate the sector, stemming from the constitutional reforms to Article 28, which dissolved the IFT and transfers many of its regulatory responsibilities in telecommunications and broadcasting to the ATDT, consolidating significant power over the sector within the executive branch.

### Key elements of the proposed law

The proposed law establishes the framework for telecommunications and broadcasting policies in Mexico, encompassing regulations for spectrum use, public networks, infrastructure deployment, satellite communications, and the provision of related public services. It codifies state ownership of the radio spectrum and defines the legal parameters for digital platforms. Legal disputes arising from the law will be adjudicated by specialized federal courts.

The ATDT is empowered to issue guidelines for infrastructure management and technical standards; grant concessions; manage spectrum and orbital resource allocation; request information from regulated entities; resolve retransmission disputes (excluding electoral matters); oversee advertising time limits and content aimed at children; and establish rules for mobile service user registration. This broad mandate concentrates substantial regulatory authority in the new agency, raising concerns about its potential influence.

**"The Ministry of Interior will sanction violations related to audiovisual content and advertising."**

A single concession will be required for all public telecommunications and broadcasting services, granted only to Mexican individuals or entities. Network neutrality principles, ensuring non-discriminatory internet access based on user contracts, are mandated. The ATDT is authorized to request the temporary blocking of digital platforms for regulatory non-compliance, a provision that has raised concerns about potential implications for freedom of expression. Telecommunications providers must cooperate with security and justice authorities, including providing real-time location tracking of devices as legally required.

Users are guaranteed the right to unlocked mobile devices and freedom of expression. The ATDT will develop annual universal coverage and connectivity programs for underserved areas, prioritizing internet and voice services, with incentives for provider participation.

The Ministry of Interior will oversee audiovisual content and advertising regulations, particularly concerning programming aimed at children, and is authorized to impose sanctions based on ATDT monitoring. Specific guidelines will regulate advertising directed at children, ensuring adherence to

5.- Diario Oficial de la Federación [https://www.dof.gob.mx/nota\\_to\\_imagen\\_fs.php?codnota=5745905&fecha=20/12/2024&cod\\_diario=318281](https://www.dof.gob.mx/nota_to_imagen_fs.php?codnota=5745905&fecha=20/12/2024&cod_diario=318281)

constitutional values. The Ministry will also monitor advertising sponsored by foreign governments (excluding cultural or tourism-related content) and order immediate suspension if violations occur. The Ministry of Health will authorize advertising for health-related products and services. Digital platforms operating in Mexico are prohibited from selling advertising space to foreign governments (excluding cultural or tourism). Lottery and raffle advertising requires prior authorization. Specific prohibitions exist for advertising targeting children.

The ATDT is empowered to sanction violations of this law and related regulations, with fines calculated as a percentage of the infringing party's income. The Tax Administration Service will enforce these fines. The Ministry of Interior will sanction violations related to audiovisual content and advertising.

Challenges to the ATDT's general rules, actions, or omissions can only be pursued through indirect amparo proceedings, without the possibility of suspension. Specialized federal courts will handle these cases.

Key transitional articles address the immediate effect of constitutional amendments related to the ATDT's creation, the continued validity of actions taken by the former Federal Telecommunications Institute, a one-year deadline for legislative harmonization by Congress, and a 30-day period for the Executive Branch to update relevant regulations. These articles aim to facilitate a smooth transition of regulatory authority.

### **What's next?**

Due to significant pressure from affected industries and stakeholders, the fast-track consideration of the bill in the Senate was overhauled by the President. Open discussion forums have been scheduled from May 8-22, and an extraordinary period of sessions will take place in June-July to carry on the congressional debate.

Given the super majority the Morena party holds in both chambers of Congress, the extent to which objections to the bill will be considered, amendments will be adopted, or the bill will be passed in its current form remains uncertain.

If the bill is approved without a broad consensus from the telecommunications and broadcasting industry, it is likely that this will be among the first major reforms to be challenged before a newly voted and constituted judicial branch starting in September.

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## CARLOS CAMPILLO PARTNER

Graduated from the School of Law at the Universidad Autonoma de Mexico, founding Partner of Alegre, Calderon y Marquez Abogados, Partner of Abogados Sierra since 2025, participated in international conferences as coordinator and speaker; rendered services related to the aviation industry including mayor carriers, lessors, owners and related companies. Ranked by Chambers Latin America and Who's is Who Mexico and Aviation as leading lawyer in Aviation practice.

### Memberships

- Collaborator of the Mexican Chapter for Getting the Deal Through – Air Transport for and Aviation Finance & Leasing.
- Member of the board of the Mexican Air Transport Chamber as representative of the Cargo Airlines and U.S. Airlines and Chairman of the Legal and Public Affairs Committee.
- Member of the consulting board of the Canales de Ayuda Foundation.
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