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Reconfiguration of the Telecommunications Sector: Dissolution of the IFT and key points of the New Federal Law on Telecommunications and Broadcasting

On April 23, 2025, President Claudia Sheinbaum proposed an initiative to repeal the Federal Telecommunications and Broadcasting Law (*Ley Federal de Telecomunicaciones y Radiodifusión*) (the “**LFTR**” for its acronym in Spanish) and create a new law. The following day, this proposal was approved by Mexico’s Senate commissions.

However, on April 28, 2025, a request was made to return the bill to the Senate commissions to reformulate it and to hold a discussion with specialists on possible problems relating to censorship and personal data.

After five discussions that took place between May 8 and May 22, 2025, the initiative was amended, and on June 27, 2025, the commissions debated the proposal again. On June 28, 2025, the Senate Plenary approved the new Law (the “**New Law**”), which was then sent to the Chamber of Deputies, where it was approved in general on July 1, 2025, thus concluding its passage through the Congress of the Union. It was then sent to the executive for enactment.

The New Law was sent to the Senate as part of a constitutional reform that (i) eliminated the Federal Telecommunications Institute (*Instituto Federal de Telecomunicaciones*) (the “**IFT**” for its acronym in Spanish), which was the constitutional body in charge of regulating and supervising telecommunications and broadcasting, and (ii) transferred those powers to agencies of the Federal Public Administration.

I. Relevant Amendments

The New Law introduces, among others, the following relevant amendments:

1. New regulatory agencies

As a result of the New Law, the Agency for Digital Transformation and Telecommunications (*Agencia de Transformación Digital y Telecomunicaciones*) (the “**Agency**” or the “**ATDT**” for its acronym in Spanish), which is in charge of designing and implementing public policies in telecommunications and broadcasting, and the Telecommunications Regulatory Commission (*Comisión Reguladora de Telecomunicaciones*) (the “**Commission**” or the “**CRT**” for its acronym in Spanish), a decentralized body of the ATDT that issues resolutions to ensure the efficient development of both sectors, were created. These new agencies assume all of the powers that previously belonged to the IFT, except those relating to competition and antitrust.

One of the most significant additions is the creation of the CRT, which has the same legal status as the former Federal Telecommunications Commission (which was established in 1996 and had technical autonomy).

This is intended to ensure the independence of the regulator as required by Article 18.17 of the Treaty between Mexico, the United States, and Canada (“T-MEC”).

In the proposed text, the ATDT and the CRT have very similar powers to those of the IFT and have been granted the following additional powers:

- The issuance of rules to unify and simplify the procedures and services relating to the installation, deployment, maintenance, dismantling, and removal of telecommunications infrastructure throughout the country, in coordination with federal, state, and municipal authorities.
- The issuance of guidelines for the rearrangement, removal, or underground placement of telecommunications infrastructure, which must be complied with by concessionaires and licensees, together with the authorities of the three levels of government.

2. Elimination of the “fast track” notification for telecommunications concessionaires

The option to notify concentrations between telecommunications concessionaires has been eliminated. This option was referred to in the ninth transitory article of the LFTR, which provided for the possibility of concentrations without the need for authorization by the IFT in order to increase competitiveness and reduce the market power of predominant economic agents.

3. Public telecommunications networks with public participation

The New Law now permits the granting of concessions for commercial use as a shared wholesale network for telecommunications services to public entities. This concession will not allow the provision of services to end users. This restriction is intended to avoid vertical integration that could affect other participants in the sector.

These concessions will be governed by the rules for commercial concessions and will include coverage, quality, price, and other obligations established by the Commission.

Concessionaires operating under such a scheme will only be able to offer the capacity of the shared network to other concessionaires under the same conditions as those under which they acquired it. In addition, they may only provide access to such capacity, infrastructure, or services to the economic agent with the largest presence in telecommunications or with substantial power, subject to prior authorization.

4. The option to “block” digital platforms has been eliminated

The Agency’s power to block digital platforms has been eliminated following the “Telecommunications and Broadcasting Policies” discussion.

5. Prohibition against the broadcasting of foreign political, ideological, or commercial propaganda

Under the New Law, the following has been prohibited: (i) the broadcasting of political, ideological, commercial, or any other type of propaganda of other governments or foreign entities by radio or television broadcasting licensees, except for the promotion of tourism, culture, or sports.

This prohibition also applies to programmers, signal operators, and digital platforms whose content is available in the national territory, as they may not broadcast or market advertising space related to the above.

6. Limited powers of the CRT in determining dominance and implementing asymmetric measures

The National Antitrust Commission (“CNA”) is the agency responsible for determining dominance (*preponderancia*) and establishing asymmetric measures. The CRT only provides industry information and may issue a non-binding technical opinion on the asymmetric measures proposed by the CNA.

II. Relevant issues remaining in the New Law and related issues.

1. Intervention in private communications and access to geolocation in cases of collaboration with authorities responsible for law enforcement and the administration of justice

Although certain media outlets have expressed concerns on this point, the New Law has adopted the same language as the LFTR insofar as licensees and, where appropriate, authorized licensees and application and content service providers must comply with orders from the authorities in relation to:

- *Intervention in private communications*: This may be authorized at the request of a federal authority or a public prosecutor's office; and
- *Real-time geolocation of terminal equipment*: This may be authorized when carried out in collaboration with security, law enforcement, and authorities responsible for the administration of justice.

It should be emphasized that such requests must be carried out through a well-founded and reasoned order from the competent authority, which must also be in writing.

On this issue, it is important to mention that on July 1, 2025, the Congress of the Union approved the Law of the National System of Investigation and Intelligence in Public Security Matters, which establishes the following powers:

- The Ministry of Security and Citizen Protection may request information from private individuals relating to biometric and telephone data, and records of telecommunications service providers, among others, to strengthen investigations and contribute to the prevention and prosecution of crimes, when it deems such measures necessary.
- The National Intelligence Center may request state authorities to certify and validate information generated by geolocation systems that is in the possession of private individuals.

2. The amparo trial remains the only means of challenging provisions of the New Law, albeit with certain restrictions

The New Law provides that (i) the Commission's acts can only be challenged through the indirect amparo¹ trial and will not be subject to injunctive relief; (ii) acts that take place during legal proceedings (*intra procedural acts*) will not be subject to challenge; and (iii) general rules applied during the procedure can only be challenged through an amparo trial on the grounds of their application in the final resolution.

¹ The Amparo Law in Mexico governs the amparo trial, a legal mechanism that protects individuals' constitutional rights against violations by authorities. It allows citizens to challenge laws, government actions, or judicial decisions that infringe on their fundamental rights. The Law establishes procedures for filing amparo proceedings, covering individual rights, judicial review, and constitutional control.

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