



Advisory opinion of the Foreign Investment National Commission referred to in Article 77 of the Federal Law of Telecommunications and Broadcasting.

What does it consist of?

The opinion referred to in Article 77 of the Federal Law of Telecommunications and Broadcasting is an additional requirement in the procedure to obtain the license to provide broadcasting services from the Federal Telecommunications' Institute.

The opinion of the Foreign Investment National Commission shall only be required when the applicant legal entity participates, directly or indirectly, in foreign investment.

To whom it is targeted?

Mexican legal entities with foreign investment participation up to a maximum of 49% in its capital stock, which shall be subject to the reciprocity that exists in the country of origin of the investor or the economic agent that controls it, directly or indirectly.

Where is it conducted?

At the Direction of Legal Affairs and the Foreign Investment National Commission of the General Directorate of Foreign Investment, which is located in Insurgentes Sur 1940, 8th Floor, Florida, Territorial Demarcation Alvaro Obregon, 01030, Mexico City. The reception hours are from Monday to Friday, from 9:00 a.m. to 2:00 p.m.

It can also be carried out through the State Delegations and Sub-delegations of the Secretariat of Economy, which shall receive the request and shall send it to the General Directorate of Foreign Investment.

Likewise, it can be submitted online via the System of Legal Affairs for Foreign Investment (<http://sajie.economia.gob.mx>), with a valid e-mail account and an e.firma (formerly known as advanced electronic signature).

Which are the requirements?

1. Original and copy of the written request describing the identification data of the applicant legal entity, as well as its current structure or proposed capital, comprising all partners, associates, shareholders, funds, trusts or any entity which participates or would participate in the capital of the legal entity, directly or indirectly;
2. Deed, certificate, record or any other constituent instrument, as well as the management bylaws or management instruments of the applicant legal entity.
These documents shall also be presented by any person or legal entity that participates or intends to participate directly or indirectly in the capital of the applicant legal entity, in the latter case in accordance with numeral 5;
3. The data and documents that clearly demonstrate the details of the current structure or proposed capital of the applicant legal entity referred to in number 1, as well as those necessary documents to determine, as appropriate, the nationality, value and characteristics of each participation, including any person or entity that participates or intends to participate directly or indirectly in the capital of the legal entity, in the latter case in accordance with numeral 5;
4. If applicable, any trust, agreement, social or statutory agreement, scheme or any other mechanism that grants control, a greater participation or special rights in favor of any of the persons or entities referred to in number 1, both for the case of those which participate directly or indirectly, in the latter case in accordance with numeral 5;
5. The data and documents mentioned in numerals 2, 3 and 4 shall be submitted when a person or legal





entity participates indirectly in the applicant legal entity if:

- a. They have a percentage higher than 49% or by any means controls those who directly or indirectly participate in the capital of the applicant legal entity, and/or
- b. They participate, in any proportion, in the capital of a legal entity that directly or indirectly participates in the applicant legal entity, when there is no person nor legal entity that has a percentage higher than 49% or exercises control of the person or entity referred.

In the event of foreign legal entities, the articles of incorporation or equivalent documents shall be legalized before a Mexican Consul or, when applicable, apostilled in accordance with the Convention which eliminates the requirement of Legalization of Foreign Public Documents.

Documents submitted in other language than Spanish shall include the translation by a certified expert translator.

The documents shall be submitted in original and copy. Prior collation, the originals, excluding the written request and the payment of duties, will be handed back to the applicant.

Maximum response time

45 business days from the submission of the application.

Payment of duties

Article 72, fraction X of the [Federal Law of Rights](#), sets the payment of duties at \$26,218.00 (twenty-six thousand two hundred eighteen Mexican pesos 00/100 M.N). The payment is facilitated through the system [e5cinco](#) (see General Directorate of Foreign Investment).

Legal Foundation

Article 29 Bis of the Regulations of the Foreign Investment Law and of the Foreign Investment National Registry; Article 7, fraction III, subsection x) of the Foreign Investment Law and Article 77 of the Federal Law of Telecommunications and Broadcasting.

What happens once the authorization is approved?

If a favorable opinion is given, the authorization shall be submitted before the Federal Institute of Telecommunications in order to obtain the license to provide broadcasting services under the terms of the Federal Law of Telecommunications and Broadcasting.

Gob.mx (National Single Window)

[Code SE-02-023](#)

National Catalog of Regulations, Procedures and Services

[SE-02-023 - CONAMER \(catalogonacional.gob.mx\)](#)

