



**SUBSECRETARÍA DE ENLACE LEGISLATIVO
Y ACUERDOS POLÍTICOS**

Oficio No. SELAP/300/2467/17
Ciudad de México, a 25 de septiembre de 2017

**CC. INTEGRANTES DE LA MESA DIRECTIVA DE LA CÁMARA
DE SENADORES DEL H. CONGRESO DE LA UNIÓN**

Presentes

En respuesta al oficio No. CP2R2A.-5772 signado por la Dip. Gloria Himelda Félix Niebla, entonces Vicepresidenta de la Mesa Directiva de la Comisión Permanente del H. Congreso de la Unión, me permito remitir para los fines procedentes, copia del similar número DGV/JDR/1.3.-277/2017 suscrito por la Mtra. Jéssica Duque Roquero, Directora General de Vinculación de la Secretaría de Comunicaciones y Transportes, así como de su anexo, mediante los cuales responde el Punto de Acuerdo por el que se solicita a esa Dependencia informe sobre los acuerdos celebrados con la Organización para la Cooperación y el Desarrollo Económicos, así como el contenido de los mismos y, en su caso, el impacto presupuestal respectivo.

Sin otro particular, aprovecho la ocasión para reiterarles la seguridad de mi consideración distinguida.

El Subsecretario

LIC. FELIPE SOLÍS ACERO

RECIBIDO

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CÁMARA DE SENADORES
SECRETARÍA GENERAL DE
SERVICIOS PARLAMENTARIOS

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C.c.p.- **Lic. Miguel Ángel Osorio Chong**, Secretario de Gobernación.- Para su superior conocimiento.

Mtro. Valentín Martínez Garza, Titular de la Unidad de Enlace Legislativo.- Presente.

Mtra. Jéssica Duque Roquero, Directora General de Vinculación de la Secretaría de Comunicaciones y Transportes.- Presente.

Minutario

UEL/311

VMG/RCC

Ciudad de México, a 14 de septiembre de 2017

**LIC. FELIPE SOLÍS ACERO
SUBSECRETARIO DE ENLACE LEGISLATIVO Y ACUERDOS POLÍTICOS
SECRETARÍA DE GOBERNACIÓN**

Me refiero al oficio SELAP/300/2033/17, de 18 de agosto de 2017, mediante el cual comunica el Punto de Acuerdo aprobado por la Comisión Permanente del H. Congreso de la Unión, en sesión celebrada el 16 de agosto del año en curso, cuyo resolutivo cito:


"ÚNICO. - La Comisión Permanente del H. Congreso de la Unión solicita respetuosamente a la Secretaría de Comunicaciones y Transportes y al Instituto Federal de Telecomunicaciones, que en un plazo no mayor a 15 días naturales, informen a esta Soberanía sobre los acuerdos celebrados con la Organización para la Cooperación y el Desarrollo Económicos, así como el contenido de los mismos y, en su caso, el impacto presupuestal respectivo."

Al respecto, me permito remitir la información que envió la Dirección General de Política de Telecomunicaciones y de Radiodifusión de la Subsecretaría de Comunicaciones de esta dependencia, mediante oficio 2.1.2.-0353/2017, de 29 de agosto de 2017, que se adjunta al presente para los fines conducentes.

Sin más por el momento, me reitero a sus apreciables órdenes.

ATENTAMENTE


**MTRA. JESSICA DUQUE ROQUERO
DIRECTORA GENERAL DE VINCULACIÓN**

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SUBSECRETARÍA DE
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SECRETARÍA DE GOBERNACIÓN


C.c.p. Lic. Gerardo Ruiz Esparza, Secretario de Comunicaciones y Transportes. - Para su superior conocimiento. - Presente.
Lic. Edgar Olvera Jiménez, Subsecretario de Comunicaciones. - Para su conocimiento. - Presente.
Lic. Ezequiel Gil Huerta, Director General de Política de Telecomunicaciones y Radiodifusión. - Para su conocimiento. - Presente.

E1000017-2691

BVG/NACM



Dirección General de Política de Telecomunicaciones
y de Radiodifusión
Dirección General Adjunta

Oficio 2.1.2.-0353/2017

Ciudad de México, a 29 de agosto de 2017

Mtra. Jéssica Duque Roquero
Directora General de Vinculación
Secretaría de Comunicaciones y Transportes
Presente

RECEPCION	
SCT DIR. GRAL. DE VINCULACIÓN OFICINA DE CONTROL Y REG.	
30 AGO 2017	
VOLANTE No.	<i>G-6H</i>
RECIBE:	<i>Lopez Luis</i>
	<i>8:00</i>

Me dirijo a usted con motivo del volante con folio E1000017-2691 por medio del cual la Oficina del Secretario Gerardo Ruiz Esparza gira instrucciones para dar contestación a la solicitud que atentamente hace la Mesa Directiva de la Comisión Permanente del H. Congreso de la Unión, como resultado del Punto de Acuerdo Aprobado por el Pleno de ese Órgano Legislativo, en sesión celebrada el 16 de agosto del año en curso, mismo que a continuación transcribo:

ÚNICO. La Comisión Permanente del H. Congreso de la Unión solicita respetuosamente a la Secretaría de Comunicaciones y Transportes y al Instituto Federal de Telecomunicaciones, que en un plazo no mayor a 15 días naturales, informen a esta Soberanía sobre los acuerdos celebrados con la Organización para la Cooperación y el Desarrollo Económicos, así como el contenido de los mismos y, en su caso, el impacto presupuestal respectivo

Sobre el particular, se adjunta la Carta de Compromiso firmada por la entonces Subsecretaria de Comunicaciones, Mónica Aspe Bernal, el 15 agosto de 2016, mediante la cual se formalizó la contribución voluntaria a la Organización para la Cooperación y el Desarrollo Económicos (OCDE) en apoyo a las actividades para la realización del "Estudio de Revisión de la Implementación de la Política y Regulación en materia de Telecomunicaciones en México".

En la carta antes referida se especifica que la contribución realizada por esta Secretaría de Comunicaciones y Transportes (SCT) es por un monto total de 162,500.00 euros, y se especifica que el estudio es cofinanciado por el Instituto Federal de Telecomunicaciones (IFT).

Adjunto al presente oficio también se encuentran los Términos de Referencia mediante los cuales se establecieron las condiciones para el desarrollo del Estudio en comento.

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Y TRANSPORTES



Dirección General de Política de Telecomunicaciones
y de Radiodifusión
Dirección General Adjunta

Por último, cabe mencionar que la versión final de este Estudio será presentada el día 31 de agosto del año en curso, fecha a partir de la cual estará disponible. La presentación del Estudio se realizará en un evento conjunto entre la SCT, el IFT y la OCDE.

Sin otro particular, aprovecho la ocasión para enviarle un cordial saludo.

Atentamente,
La Directora General Adjunta

Una firma manuscrita en tinta que parece decir "Pamela".

Pamela Itzel Araico Aguilar



CCP Lic. Edgar Olvera Jiménez, Subsecretario de Comunicaciones.- Para su conocimiento.
Lic. Ezequiel Gil Huerta, Director General de Política de Telecomunicaciones y Radiodifusión.

Anexos.- Carta de Compromiso
Términos de referencia.

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Subsecretaría de Comunicaciones

Oficio 2.- 096 / 2016

Ciudad de México, 15 AGO. 2016

Mr. Andrew W. Wyckoff
Director for Science, Technology and Innovation
Organization for Economic Cooperation and Development

Dear Mr. Wyckoff,

I am pleased to inform you that the Ministry of Communications and Transportation (SCT) will make available a voluntary contribution of EUR 162,500 in support of the activities of the Committee on Digital Economy Policy of the Directorate for Science, Technology and Innovation, in particular for the work on the "Implementation Review of Telecommunication Policy and Regulation in Mexico", which is included in the 2015-16 Programme of Work and Budget of the OECD.

This amount will be paid in full upon receipt of an invoice from the OECD.

We understand that this work is co-financed by SCT and Instituto Federal de Telecomunicaciones (IFT), and that the commencement and completion of the work is conditional upon the OECD's receipt of the full amount of funding pledged by the SCT and the IFT. In the event that the full funding is not received from both parties, the OECD shall have the right to cease the work funded with this contribution, in which case the SCT will only cover expenses incurred or committed by the OECD up to the date of termination.

We understand further that the continuation of any OECD outputs is subject to the inclusion of such outputs by the OECD Council in the OECD's Programme of Work and Budget (PWB). The outputs covered by the present offer letter are currently included in OECD's PWB and the OECD Directorate for Science, Technology and Innovation intends to propose that these outputs continue to be included in its future PWB. However, in the event that these outputs are ultimately not included in the future PWB, the OECD shall have the right to cease the work funded with this contribution, in which case the SCT will only cover expenses incurred or committed by the OECD up to the date of termination.

We note that the OECD shall administer the contribution in accordance with its Financial Regulations and other relevant OECD rules, policies and procedures, which provide for an administrative cost recovery charge of 6.3% of the total contribution amount.

We note that the results of the work, in whatever form, shall be the sole property of the OECD.

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The present letter, and the enclosed Terms of Reference which include additional terms, along with your confirmation of acceptance shall form a binding agreement between us.

I would appreciate it if the necessary steps could be taken to receive this contribution as soon as possible.

Yours sincerely,

La Subsecretaria

A handwritten signature in black ink, appearing to read "M. Aspe Bernal", written over a horizontal line.

Mónica Aspe Bernal

TERMS OF REFERENCE
IMPLEMENTATION REVIEW OF TELECOMMUNICATION POLICY AND REGULATION IN MEXICO

1.- INTRODUCTION AND BACKGROUND

The telecommunication sector plays an increasingly important role as a means of improving productivity and economic growth while enabling governments to improve the provision of public services. Bearing in mind the constant developments in the Mexican telecommunications sector, the Mexican government is aware of the importance of an adequate and evolving policy and regulatory framework for the development of the sector. Further to achieving this objective, the Federal Institute of Telecommunications ("IFT") and the Secretariat of Communications and Transportation ("SCT") have invited the OECD to conduct an Implementation Review of the 2012 Review and its Recommendations and assess progress to date (the "Implementation Review" or "Review"). Additionally, it was requested that an assessment of the changes in the broadcasting market be considered within this Review, especially in light of the convergence occurring in the broader communication sector and given the responsibilities IFT now has following reforms in the overall communication market.

The Implementation Review shall identify the advances, achievements, and challenges of the sector following reforms and new regulation introduced since the 2012 Review in relation to the OECD's Recommendations, and in particular evaluate the changes to the level of access by the population to telecommunication services.

The Implementation Review will also put forward recommendations for any further reform of the current telecommunication policy and regulation framework in Mexico as might be required.

2.- SCOPE OF THE REVIEW

It is anticipated that the Implementation Review will include:

- an overview of developments in the telecommunication and broadcasting sectors in Mexico since the 2012 Review;
- an analysis of post-2012 market performance of the Mexican telecommunication sector, including a benchmark vis-à-vis other OECD member countries;
- a review of the implementation of the OECD's 2012 recommendations for the policy and regulatory framework, as well as of the institutional structures in the Mexican telecommunication sector, identifying the opportunities and challenges for future reforms;
- a consideration of developments in the broadcasting market subsequent to reforms introduced since 2012; and
- conclusions and proposed policy recommendations.

The OECD will address the above-mentioned themes based on its experience in assessing telecommunication policies and developing methodologies for comparative analysis. It will also include sections dealing with developments in the broadcasting market especially relating to convergence. **Annex 1** contains a draft table of contents.

3.- COMMITMENTS

The parties understand and commit to adhere to the clauses regarding copyright and confidentiality. The parties agree to consult with each other in case any question or suggestions arise regarding such specific clauses. A written consent, which may be provided over e-mail, is required for any further modification in the matter.

The OECD commits to carrying out the work described in the offer letter and these Terms of Reference, including the outputs described in the estimated timetable below.

The Mexican Government will comply with the corresponding financing payment to carry on with this project. The Mexican Government commits to deliver all information and inputs requested by the OECD, as well as

promptly replying to all questions and concerns from OECD officials in order to produce the corresponding drafts, reports and final Implementation Review.

4.- IMPLEMENTATION AND PROJECT MANAGEMENT

The parties anticipate that the Implementation Review will be undertaken according to the following estimated timetable¹:

Estimated Deadline (term)	Activity
July/August 2016	Agreement by the OECD, the IFT and the SCT on the Terms of Reference for the Review.
August 2016	Mexico's receipt of the questionnaire from the OECD.
September/October 2016	OECD mission to Mexico to interview the relevant stakeholders, with an approximate duration of seven working days, prepared with the assistance of IFT and SCT.
February 2017	Production of the first draft of the Review; submission to the Mexican authorities for fact-checking.
April 2017	Review to be made available to OECD Member countries (via OLIS).
May 2017	Discussion by the Working Party on Communication Infrastructures and Services Policy (the WPCISP) and/or the Committee for Digital Economy Policy (CDEP), including a peer review session.
June/July/August 2017	Finalisation of the Implementation Review, incorporating comments from OECD Members together with the agreement of the WPCISP and/or CDEP to declassify the document.
Early September 2017	Presentation of the Implementation Review in Mexico.

The projected date of completion of the Implementation Review is subject to the OECD obtaining the necessary information from the Mexican Government.

The Mexican authorities will provide an English translation of the relevant telecommunication and broadcasting laws.

The report will take the form of the reports usually submitted to the CDEP and/or the WPCISP concerning the implementation of the programme of work. The OECD will provide a Spanish translation of the final report.

5.- CONFIDENTIALITY OF THE INFORMATION

All documents, reports, and outputs, partial or final produced during the elaboration of the Implementation Review and prior to its presentation shall be considered confidential between the OECD and the Mexican Government unless published by the OECD or agreed in writing between the parties. The parties expressly agree that these Terms of Reference, and the accompanying offer letter, are confidential and may not be disclosed to the public.

The parties will protect the confidential of classified information and will grant that the documents, information and other data obtained under the Implementation Review are used only to fulfil the scope of the work described in this Terms of Reference.

¹ The timetable may be adjusted by agreement between the three parties.

6.- COPYRIGHT

The results of the work, in whatever form, shall be the sole property of the OECD.

Subject to the rights of third Parties, as well as to the rules and policies of the OECD on documents' classification and declassification, if applicable, the OECD hereby grants the Mexican Government a non-exclusive, non-transferable, irrevocable, fully paid and worldwide license to:

- Share and embed on its websites a read-only version of the Spanish or English versions of the final report produced within the framework of the activities funded by the present contribution; and
- Copy, use and distribute, for non-commercial purposes, in English and/or Spanish, paper copies of the final report and other outputs produced within the framework of the activities funded by the present contribution. Unless otherwise instructed by the OECD, the donor shall acknowledge the OECD's ownership over the work.

Unless there are reasons for the present contribution not to be acknowledged, the OECD will acknowledge the support provided by the IFT and SCT in any published material arising from the work.

Any material or document which is the property of the Mexican Government that is given to the OECD in the course of carrying out the Implementation Review shall remain the property of the Mexican Government. However, the OECD will have the right to use or incorporate said material for the purpose of preparing the Review.

7.- ARBITRATION

Any dispute, controversy or claim arising out of or relating to the interpretation, application or performance of this agreement, including its existence, validity or termination, which cannot be settled amicably, shall be settled by final and binding arbitration in accordance with the Permanent Court of Arbitration Optional Rules for Arbitration involving International Organisations and States, as in effect on the date of this Agreement. The number of arbitrators shall be one. The arbitrator shall be chosen by agreement between the OECD, and the IFT and the SCT, or failing such agreement within three months following the request for arbitration, the arbitrator shall be appointed in accordance with the aforementioned Rules at the request of either Party. The arbitration shall take place in Paris, France, and all proceedings and submissions shall be in the English language.

Annex 1: Draft table of content

Chapter	Description
Introduction: Recalling the 2012 Review and goals of this Implementation Review	Summary of 2012 Review and Recommendation and context leading to the reforms. Introducing goals of implementation review.
Chapter 1. Overview of the Telecommunications and Broadcasting Sectors	Update on the national context, including markets and their participants, and the general evolution of competition development (excluding welfare analysis).
Chapter 2. Changes to the Legal Framework: <ul style="list-style-type: none"> • Federal Telecommunications and Broadcasting Law (FTBL) • Federal Economic Competition Law (FECL) • The creation of the IFT and its institutional design • Legal attributions between IFT and other government agencies 	Analysis of the sector's institutional design, including the creation of the regulator derived from the Mexico's constitutional Telecommunications Reform and comparative analysis with other selected countries as appropriate. Specifics on the main strengths and weaknesses of the new legal framework, including: technical provisions, interconnection, radioelectric spectrum, infrastructure sharing, user's rights, etcetera, as well as new distribution of responsibilities (technical, administrative, supervision, enforcement, antitrust) between the regulator and other governmental agencies, in particular with the Federal Government.
Chapter 3. Telecommunications and Broadcasting Regulation: <ul style="list-style-type: none"> a) Regulation aspects <ul style="list-style-type: none"> • Telecommunications • Broadcasting b) Competition aspects <ul style="list-style-type: none"> • Substantial Market Power (SMP) Determination • Mergers and Concessions • Absolute Monopolistic Practices • Relative Monopolistic Practices c) Public Policy 	Reorganization by subject, e.g., preponderance, consumer protection, quality of service, and prices. Analysis of the main projects performed by the Economic Competition Unit and the Investigative Authority of the IFT (e.g. substantial market power determination, mergers and concessions, absolute monopolistic practices, relative monopolistic practices, etc.). Review of public policy initiatives, including those involving the cooperation between the regulator and governmental entities (DTT, Red Compartida, passive infrastructure projects, connectivity of public sites, etc.).

d) Other wide-range measures

Other relevant measures, including the specialized courts.

Chapter 4. Implemented measures derived from the 2012 OECD recommendations

Synthesized review of the recommendations implemented by IFT and the Government following the line established in previous chapters.

Chapter 5. Conclusions and Recommendations

General assessment of current strengths and weaknesses, potential benefits of further public policy initiatives and regulatory reform, including recommendations.