

COFECE probes the market for federal ground passenger transportation at the Mexico City Airport (AICM)

- *The Investigative Authority has sufficient evidence to presume relative monopolistic practices were carried out.*
- *This investigation should not be interpreted as a prejudgment but as the authority's verification of compliance with the Federal Law on Economic Competition.*

Mexico City, February 12, 2019.- Today, the Federal Economic Competition Commission's (COFECE or Commission) Investigative Authority published in the Federal Official Gazette (DOF) and on its website, the notification for the initiation of an investigation, following a complaint, for possible relative monopolistic practices (unilateral conducts) in the market for federal ground passenger transportation with origin or destination at the *Aeropuerto Internacional de la Ciudad de México* (AICM or Mexico City International Airport). That is, the market for regular ground passenger transportation service, subject to frequency and determined schedules, for the departure and arrival, to or from the AICM facilities.

Relative monopolistic practices consist of any act, contract, agreement or procedure carried out by companies with substantial power with the purpose or effect of unduly displacing other market agents, substantially impeding their access or establishing exclusive advantages in favor of one or several Economic Agents. Examples of these practices are tied sales; price discrimination; increase of competitor's costs; unilaterally refusing to sell; among others.

The investigation under file DE-013-2018, initiated on August 15, 2018, should not be interpreted as a prejudgment of responsibility of any Economic Agent but as an action that enables COFECE to detect if conducts contrary to the Federal Law on Economic Competition have been incurred. This stage lasts 120 business days, counted from the initiation of investigation, which can be extended up to four times.

If there are no elements that presume an anticompetitive practice was carried out, the Board of Commissioners may determine the closure of the file. Should objective elements to presume the infringement of the law exist, suspected offenders shall be notified of the trial-like procedure and may present their defense.



If a relative monopolistic practice is proven, economic agents could be sanctioned on the following terms: a fine up to the equivalent of eight percent of their annual income and the order to suppress the conduct. In the case of the direct or indirect participation of a natural person in these practices, in representation or at the behest of the companies, a fine equivalent of 200 thousand UMAs (Units of Measure and Update; one UMA is equivalent to 84.49 Mexican pesos) may be imposed, disqualification from holding managerial positions for up to five years and fines for up to 180 thousand UMAs for those facilitating the act.

See the extract of the initiation decision in Spanish: [DE-013-2018](#)
[What is a relative monopolistic practice, in Spanish](#)

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The Federal Economic Competition Commission is entrusted with safeguarding competition and free market access. This contributes to people's well-being and the efficient functioning of markets. With its work, COFECE seeks better conditions for consumers, more services of higher quality and a "level playing field" for companies.

