

COFECE-028-2020

COFECE sanctions BAS Projects Corporation, *ESZ KI*, *ESZ KII*, and *EXI Solar* for failing to notify a concentration and authorizes the transaction

- *Imposes fines totaling to 977 thousand Mexican pesos.*
- *Authorizes the concentration considering that the operation does not pose risks to the process of competition and free market access.*

Mexico City, July 20, 2020.- The Board of Commissioners of the Mexican Federal Economic Competition Commission (COFECE or Commission) approved the concentration between *BAS Projects Corporation (BAS Corporation)*, *ESZ Holding KI (ESZ KI)*, *ESZ Holding KII (ESZ KII)*, y *EXI Solar Norte (EXI Solar)*, considering that the operation does not pose risks to competition conditions in the markets in which they participate. At the same time, it imposed a fine of 977 thousand Mexican pesos for failing to notify the concentration before it was carried out.

BAS Corporation is a company that participates in various energy generation projects in Mexico. Regarding *EXI Solar*, it is dedicated to investing in energy projects in the Mexican territory.

This concentration consisted in the indirect acquisition by *EXI Solar* of a photovoltaic energy generation project. This operation was made known to the Commission 340 days after it was carried out. That is to say, the economic agents involved in the transaction disregarded the obligation to notify before the closing of the operation. Even though the transaction does not represents risks to competition, it exceeded the threshold foreseen in the Federal Economic Competition Law (LFCE, as per its initials in Spanish)¹ under which a concentration must be analyzed by COFECE. In view of this, the Board of Commissioners imposed the aforesaid fines to the economic agents involved.

¹ Subsection III of Article 86 of the LFCE.



Once the resolution has been notified to the parties, the Law grants the sanctioned economic agents the right to go before the Federal Judiciary to request a review of the legality of the Commission's actions

Read [Thresholds to notify a concentration](#) (in Spanish); and [Sanctions for unnotified or unlawful concentrations](#) (in Spanish).

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MORE COMPETITION FOR A STRONGER MEXICO

The Federal Economic Competition Commission is entrusted with safeguarding competition and free market access. Through this, it contributes to consumer welfare and the efficient functioning of the markets. Through its work, it seeks better conditions for consumers, greater output and better services and a “level playing field” for companies.

