

Cofece fines the AICM for preventing an economic agent from providing the public service of federal land passenger transport and establishing exclusive advantages in favor of two permit holders

- *The imposed fine, which amounts to 848.8 million Mexican pesos, considers that the AICM is a recidivist for a monopolistic practice, additionally the suppression of the anticompetitive practice is ordered.*
- *The Commission may request from the AICM, for a period of five years, the documentation that proves compliance with the imposed obligations.*

Mexico City, March 24, 2022.- The Federal Economic Competition Commission (Cofece or Commission) resolved that the Mexico City International Airport (AICM, per its initials in Spanish) committed a monopolistic practice in the modality of refusal to deal, through which it prevented an economic agent from providing the federal land passenger transport service, in the modality of integral bus and/or van, with the AICM as an origin or destination. It is worth indicating that the airport had been previously sanctioned by Cofece for carrying out a monopolistic practice, reason for which it is considered a recidivist, for which the Board of the Commission imposed a fine of 848 million 888 thousand 633 Mexican pesos.

Through different actions, the AICM unduly refused to provide *Transportación Terrestre UNE (UNE)* with the service of access at the Airport. Through this conduct, it prevented *UNE* from being able to provide the land passenger transport service from the Airport to Puebla, and from Puebla to the Airport, establishing exclusive advantages in favor of two permit holders on that same route, which isolated them from competition to the detriment of the users.

The Board of the Commission considered that the AICM has substantial power in the market that corresponds to the service of access to the Airport for the provision of the federal land passenger transport service since, among other issues, it is the sole offeror and there are no substitutes (file number DE-013-2018).

By refusing to provide access to *UNE*, without a justification to do so, the AICM granted undue advantages to the established permit holders, who maintained their position without



facing competitive pressures. This resulted into a loss of welfare for the users of this service, who could have had more options and lower prices had the prohibited practice not been carried out.

The Board of the Commission ordered the AICM to suppress the anticompetitive conduct through the following actions:

- Justify the sense of the opinions that it issues in terms of Article 47 of the Roads, Bridges and Federal Land Transport Law for the entry of a new operator, or for the increase of the vehicle fleet for existing permit holders, based on technical and non-discriminatory considerations, revealing the reasons, motives and circumstances that it deems applicable.
- Guarantee the service of access at the Airport for *UNE*, in case it is still interested and it requests it again, as well as for the economic agents who obtain or had obtained a permit granted by the Ministry of Infrastructure, Communications and Transport for the provision of the land transport service at the Airport, as long as the requirements are met which must be applied in a non-discriminatory manner.

With the purpose of verifying the suppression of the conduct, Cofece may require the AICM, for a five-year term and at any time, the documentation that proves compliance with the imposed obligations.

Once the resolution has been notified to the AICM, the economic agent has the right to go before the Judicial Power of the Federation to review the actions of the Commission through an indirect *amparo* trial.

Read [What is a relative monopolistic practice?](#) (in Spanish)

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The Mexican Federal Economic Competition Commission is responsible for ensuring competition and free market access. In this way, it contributes to the people's welfare and the efficient functioning of the markets. Through its work, it seeks better conditions for consumers, that more services are offered with higher quality and that there is "level playing field" for companies.

