

The **COFECE Model**
*An institutional
building perspective*

Accountability



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The COFECE Model
An institutional building perspective



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The COFECE Model. An institutional building perspective

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The Federal Economic Competition Commission carries out ex ante evaluations of landmark cases in order to quantify the impact of competition policy in Mexico. This based on article 22 subsections V and VI, and article 41 subsections IV and X, of the Organic Statute of the Federal Economic Competition Commission.

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EXECUTIVE SUMMARY

In June 2013, the decree of the Constitutional Reform on economic competition matters (Reform) was published. The amendment to article 28 gave rise to the Federal Economic Competition Commission (COFECE, for its acronym in Spanish, or Commission) as an autonomous competition authority, with its own legal personality and assets. Thereby, the Commission emerged from a structural reform that set the foundations for a new institutional model, in which technical rigor and highly specialized staff as well as its vocation of public service are decisive for the success of competition policy in Mexico.

The role institutions play significantly impacts the economic development of a country, as these facilitate the incentive structure of an economy at a given moment. To the extent that a society succeeds in having strong, legitimate institutions that seek public versus private benefit, a higher level of development and economic growth can be achieved.

To build sound institutions, based on literature and international experience, COFECE identifies the following as indispensable elements: a responsible and innovative leadership that is clear about the institution's course; clear, attainable and measurable objectives; efficient and agile monitoring mechanisms that favor internal accountability; a robust performance evaluation system that allows feedback and continuous improvement of COFECE's units; proactive actions in matters of accountability and transparency; and a human resources management system that attracts and enhances the staff's talent.

In this sense and since its creation, COFECE defined four components that bring coherence to the actions implemented for achieving excellence in the institution: 1. Strategic approach; 2. Efficient procedures and legal certainty; 3. Human capital management; and 4. Accountability and transparency.

Regarding the first component, COFECE has a strategic approach to coordinate its efforts to attain the best results. Among the advantages of this approach are a more effective intervention through the prioritization of proceedings; the efficient use of public resources; the monitoring of actions and the evaluation of results; which allows for adjusting or changing of the course if required.

COFECE's strategic approach is comprised by three pillars: a) the Institutional Strategic Planning Model (MOPEI, for its acronym in Spanish), b) the Institutional Performance Evaluation System (SEDI, for its acronym in Spanish) and c) the Monitoring and Control System (SSC, for its initials in Spanish). The MOPEI is composed of two phases for different time

horizons: it performs a long term exercise that allows to review, every four years, whether the strategy designed for the fulfillment of its constitutional mandate has been effective, and it performs a short term exercise in which it defines annual strategic actions. The SEDI is a formal mechanism, systematized and orderly, that allows for an objective assessment of COFECE's processes at a specific time. The SSC enables the anticipation of situations that may risk the fulfillment of its institutional objectives.

These pillars allow the establishment of clear and challenging objectives, based on self-critical exercises, and whose progress is monitored and evaluated on a quarterly basis favoring an accountability environment.

Through component 2. Efficient procedures and legal certainty, COFECE provides impartiality and objectivity in its resolutions. Legal ambiguities create spaces for corruption and for seeking privileges, which represents an obstacle to economic development. To guarantee legal certainty, it is essential that the actions of the institutions be independent, impartial and professional, with self-regulation being an efficient mechanism to generate a greater degree of predictability in its procedures.

Since its creation, COFECE has issued regulatory instruments to provide clarity and certainty to economic agents , among which are both the Regulatory Provisions and the Organic Statute, as well as several guides, guidelines and criteria.

With component 3. Human capital management, the Commission recognizes that its most valuable asset is its staff, as the execution of competition policy requires analysis, dedication, creativity, continuous learning, professionalization and specialized technical knowledge, as well as a professional ethics and commitment to public service. Consequently, COFECE designed the Talent Management System, which is a long-term strategy to attract, develop and retain the best talent in public service. This system is composed of six elements: I. Regulatory provisions, II. General and specific objectives, III. Critical processes, IV. Talent Management Committee, V. Planning and VI. Accountability.

Likewise, it has paid attention to the world trend of closing the gender gap and has been careful to incorporate an equal opportunities approach in its Talent Management System. The aforementioned was reflected in key actions to position COFECE as the first Mexican public institution recognized for being seriously committed to closing the gender gap, obtaining the international EDGE certification on gender equality, as well as the certification in the Mexican Standard NMX-R-025-SCFI-2015 in labor equality and non-discrimination.

Regarding component 4. Accountability and transparency, COFECE, as an expenditure implementer, complies with the provisions of the applicable regulation on transparency and accountability. Also, it proactively carries

out additional accountability exercises to provide sufficient and quality information so the public and oversight bodies may evaluate its substantive and administrative management.

In this regard, COFECE publishes annual work programs, quarterly activity reports, quarterly reports of expenditure, institutional performance evaluation reports and reports on COFECE's trusts; the aforementioned to comply with its legal obligations. Also, it publishes, in a proactive manner, reports on the results of the annual work programs, monthly activities' reports, monitoring and control reports and reports on the results of audits.

In parallel, the Commission guarantees the publicity of the information it safeguards is timely, verifiable, understandable, up-to-date and complete. To this end, it has a Transparency Committee which, in addition to ensuring compliance with its obligations on the matter, enforces the right of access to public information and protects information classified as reserved and confidential.

The Commission has made great efforts for institutional building and strengthening; however, it knows that there is still some way to go. In this sense, the most important challenges in the years to come continue to be related to strengthening the enforcement of the Law, deepening the understanding of digital markets, as well as accompanying governments and legislators in the modification of regulatory frameworks in competition matters; among others. Likewise, to continue with the strengthening institutional soundness, for example, by advancing in the creation of a Professional Career Service and in the consolidation of affirmative actions that promote gender equality.

A strong competition authority lays the foundation for a "level playing field" in markets, which translates into greater welfare for Mexican families.

I. THE IMPORTANCE OF HAVING AN INSTITUTIONAL DEVELOPMENT MODEL

Institutions are born from the participation of the actors in a society to ensure general interest and reduce uncertainty.¹ The role they play in different areas of a nation has been addressed in literature from different perspectives such as the economic, political or sociological.² Most of the approaches coincide in the importance they have in the trajectory of a country and their close relationship with the level of development that a nation achieves.

Thus, institutions are the rules of the game of a society, that is, they define the context in which individuals and organizations interact with each other and give rise to lasting and legitimate practices.³ To act in a stable and continuous manner for long periods, institutions must isolate from various momentary pressures.⁴ Moreover, they are the cornerstone for growth as they encourage the participation of inhabitants in economic activities, and they provide them with security to invest and innovate, which leads to increased productivity and prosperity.⁵

A society whose purpose is progress needs to have inclusive economic institutions that work to achieve widespread prosperity, while avoiding extrusive institutions (created or inherited) that seek to extract resources for the benefit of powerful groups and which not create incentives for innovation, investment and savings. The alternatives to transition from one orientation to another can be: a) gradually change institutions or b) create strong inclusive institutions from the outset, which are expected to influence other institutions until an acceptable level of economic development is achieved that favors the in population at large.

To the extent that a society succeeds in having strong, legitimate institutions that seek public versus private benefit; a greater level of development and growth can be achieved. In this regard, since the creation of COFECE in 2013, its highest decision-making body has defined a roadmap aimed at creating an inclusive and strong institution.

1 North, D. C. (1995). *Instituciones, cambio institucional y desempeño económico*. Ciudad de México: Fondo de Cultura Económica.

2 For further information on institutionalism see the studies carried out by authors such as Selznick, P. (1949), DiMaggio, P. J. y Powell, W. W. (1983) and March, J. G. and Olsen, J. P. (1984, 1989), Williamson, O. E. (1975 y 1986), North, D. C. (1990), Skocpol, T. (1985), Hall, P. A. (1986).

3 Campbell, J. L. (2004). *Institutional Change and Globalization*. Princeton: Princeton University Press.

4 March, J. G., & Olsen, J. P. (1984). *The New Institutionalism: Organizational Factors in Political Life*. American Political Science Association, 734-749.

5 Acemoglu, D., & Robinson, J. (2012). *Why Nations Fail: The Origins of Power, Prosperity, and Poverty*. Nueva York: Crown Publishing Group.

THE INTERNATIONAL VISION ON INSTITUTIONAL DEVELOPMENT

The observations of international organizations are a source of knowledge and exchange of experiences. The information they provide us with is a valuable resource for learning the lessons of public policy of successes and failures in other latitudes.

Organization for Economic Co-operation and Development

In its publication *Government at a Glance 2017*, the OECD states that it is imperative for governments to have solid public institutions that guide interactions between individuals and facilitate the transition in the face of rapid and constant changes, reducing uncertainty.⁶ The above, through results-based working methods, indicators and evidence to learn from the results and, if necessary, adjust the course.

The OECD also explains that the essential elements for the adequate institutional transformation are to have effective and forward-looking leadership to anticipate future challenges; to be guided by clear objectives; to develop less hierarchical and more horizontal structures; to have adequate performance evaluation systems; to have the agility to integrate new forms of work and technologies; to strengthen the capabilities of public officials; to create a culture of innovation; and to promote transparency, integrity, accountability and citizen participation.

The OECD Council on Regulatory Policy and Governance in 2012 issued a series of documents entitled *The Governance of Regulators*. One of the main recommendations deals with providing technical, budgetary and managerial independence to the regulatory bodies. Since the decisions of regulatory agencies have a significant impact on private interests, it becomes a priority to protect the impartiality of their actions and maintain the confidence of citizens and users regarding the objectivity of their decisions.

The recommendations issued by this multilateral organization to improve the management of regulatory institutions are:⁷

- 1. Have clarity of actions:** clear objectives, defined functions and mechanisms to coordinate with other relevant agents.
- 2. Promote trust and prevent undue influences:** ensure confidence in the regulatory system, the rule of law, encourage investment and have an environment conducive to growth without undue influences through decision-making and regulatory functions performed with the utmost integrity.

6 OECD. (2017). *Government at a Glance 2017*. Paris: OECD Publishing. Available at: http://dx.doi.org/10.1787/gov_glance-2017-en

7 OECD (2017). *Creating a Culture of Independence: Practical Guidance against Undue Influence. The Governance of Regulators*. Paris: OECD Publishing. Available at: <https://doi.org/10.1787/9789264274198-en>

3. **Ensure adequate decision-making and structure of the governing body:** choose the structure of the governing body and the decision-making model that ensure effective functioning, preserving regulatory integrity to comply with the regulatory objectives of the mandate.
4. **Promote accountability and transparency:** inform the government, businesses and citizens about regulatory results, the use of authority and the destination of the allocated resources.
5. **Create active participation processes:** good regulators know and promote mechanisms for interacting with stakeholders, and establish measures to avoid conflicts of interest and regulatory capture.
6. **Have financing sources that do not influence technical decisions:** the funding structure determines the organization and its operations, so it must allow the regulator to be impartial and efficient in achieving its objectives.
7. **Develop correct performance evaluation systems:** which help to drive improvements in internal systems and processes. In addition, these allows regulators to be aware of the effectiveness of their regulatory actions and decisions.

Inter-American Development Bank

Along the same lines, the Inter-American Development Bank (IDB) points out that the success of development public policies depends largely on the institutional capacities of the public organizations in charge of implementing them. Thus, public organizations must have: a) the appropriate organizational structure, b) the necessary technical, operational and political capabilities, and c) the right incentives for a successful implementation.⁸

Regarding the design of public agencies, the IDB makes several suggestions to address organizational and structural obstacles:

1. Have flexibility and openness to participate in the process of discovering new policies.
2. To have highly qualified staff with technical, operational and political capabilities, and their evaluation.
3. Provide coherence and consistency over time.

⁸ Crespi, G., Fernández-Arias, E., & Stein, E. H. (Eds.). (2014). *¿Cómo repensar el desarrollo productivo?: políticas e instituciones sólidas para la transformación económica*. Washington, D.C.: Inter-American Development Bank. Available at: <https://publications.iadb.org/handle/11319/6634>

4. Convene and engage the private sector.
5. Protect against capture or undue influence of the private sector, and corruption.
6. Cooperate with other public agencies.

In this manner, the factors determining the performance of a public institution are classified as: a) external (legislation, relations and distribution of powers and responsibilities with the legislative, the executive, the judiciary, the regulator's governing body and regulated entities); and b) the internal (organizational structures, standards of behavior, internal functions and responsibilities, compliance and accountability measures, supervision processes, financial reports and performance management).⁹

Without a doubt, to have an adequate institutional development model, as well as incorporating a continuous improvement approach, is essential for the development of solid public institutions. In this sense, and based on international experience, COFECE identifies the following as indispensable elements in its process of institutional building and strengthening: an innovative and responsible leadership that has clarity regarding the course of the institution; clear, achievable and measurable objectives; efficient and agile monitoring mechanisms that favor internal accountability; a robust performance evaluation system that allows feedback and continuous improvement of COFECE's Units; proactive actions in terms of accountability and transparency; and a human resources management system that attracts and empowers staff talent.

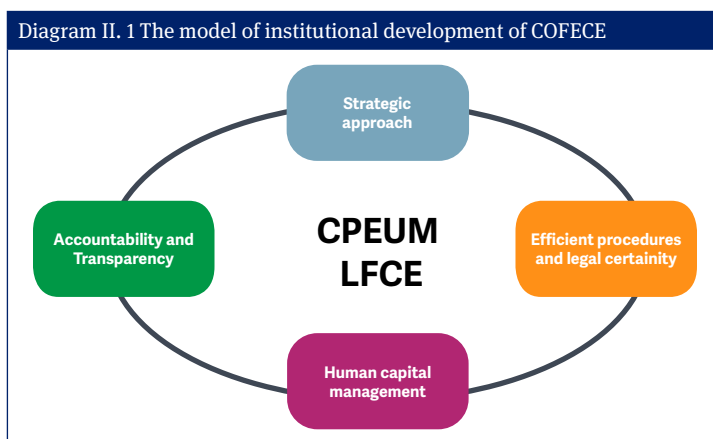
9 See OECD (2016).

II. COFECE'S INSTITUTIONAL DEVELOPMENT MODEL

COFECE emerges from the 2013 reform to Article 28 of the Constitution on matters of competition, as an authority with technical, operational, regulatory and budgetary autonomy. The Commission is part of a new generation of autonomous constitutional bodies with the purpose of acting with greater specificity, agility, control and transparency, in specific roles of the Mexican State.¹⁰ In the case of COFECE, this reform also served as basis for creating a state-of-the-art institutional development model, based on the best international practices, which allows for the effective enforcement of regulation in the matter. This section describes the institutional components under which it operates in its new model of institutional development.

ELEMENTS OF THE INSTITUTIONAL DEVELOPMENT MODEL

Throughout the six years of COFECE's existence, the construction process has demanded constant self-criticism, the review and recalibration of internal projects, with the objective of identifying the areas of opportunity that require adjustments, as well as the actions in which positive outcomes have been achieved and only require consistency. (See Diagram II.1).



Source: COFECE.

¹⁰ Ugalde Calderón, Filiberto Valentín (2010). "Órganos constitucionales autónomos", *Revista del Instituto de la Judicatura Federal*, Núm. 29.

Institutional components

The Commission's institutional model was created to comply with the legal framework of the competition system in Mexico, which is based on article 28 of the Political Constitution of the United Mexican States (CPEUM, for its acronym in Spanish) and on the LFCE.¹¹ From these two legal sources of law, the Commission has built an institutional model which is comprised by the following institutional components:¹²

1. Strategic approach

COFECE has a strategic approach aimed at optimizing the resources that have been allocated to it; ensuring its efficacious, effective and efficient operation; without losing sight of the desired destination and what has to be done to achieve it. This strategic approach encompasses three essential and interrelated subjects: a) institutional strategic planning; b) the institutional performance evaluation system, and c) COFECE's monitoring and control system.

2. Efficient procedures and legal certainty

In order to ensure the correct enforcement of the LFCE, the Commission has undertaken the task to provide certainty to the development of its substantive and adjective procedures through the elaboration of manuals, guides, criteria and guidelines. These legal instruments are submitted to public consultation in order to incorporate, without these being binding, the concerns and commentaries of external specialized actors and society in general. This is done to improve the quality, technical soundness and efficiency of its procedures, as well as to provide certainty and predictability to the society and economic agents regarding their actions.

Moreover, the Commission has developed various administrative provisions that allow for the strengthening of its actions in the fields of human resources, budget and finance, acquisitions, and information and communication technologies, among others.

3. Human capital management

COFECE's human capital is the most important asset for the proper functioning of the institution. Therefore, the Commission built a Talent Management System to recruit, develop, retain and evaluate the performance of the staff, in a work environment which is ethical, respectful, egalitarian

11 Paragraph 14 of Constitutional Article 28 establishes that "the State will have a Federal Economic Competition Commission, which will be an autonomous body, with its own legal personality and assets, which will aim to guarantee free market access and economic competition, as well as to prevent, investigate and combat monopolies, monopolistic practices, [unlawful] concentrations and other restrictions to the efficient functioning of markets, in terms established by this Constitution and the laws. The Commission will have the necessary powers to effectively fulfill its purpose, among them to order to eliminate barriers to competition and free market access; regulate access to essential facilities, and to order the divestiture of assets, rights, partnership interest or shares of economic agents, in proportions necessary to eliminate anticompetitive effects".

12 Chapters III to VII explain in detail each of the components.

and free of discrimination and harassment. The aim is for public officials to develop their functions with high specialization and technical rigor, and in adherence to the highest quality standards. As a part of this component, COFECE promotes the technical strengthening of its public officials through international exchanges.

4. Accountability and transparency

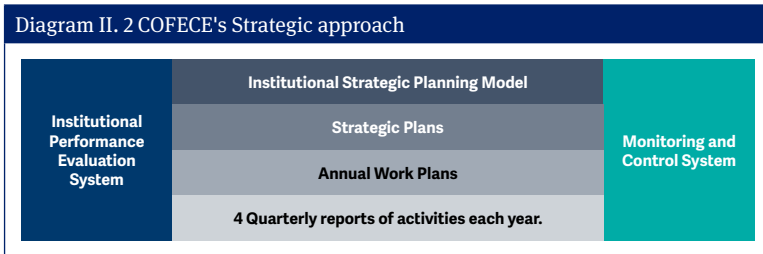
The Commission complies in time and in due form with its obligations to inform the society about its work and use of public resources, according to the corresponding regulation. Beyond its legal obligations of accountability, it disseminates additional information on its performance and the results of its audits and makes them accessible to society. In this way, it maintains an open channel with economic agents and citizens to communicate the actions and activities it carries out, as well as to allow them to evaluate our performance.

In the following chapters, we will explain in detail the actions in the four pillars of the institutional model.

COMPONENT I: STRATEGIC APPROACH

COFECE has a strategic approach that allows it to operate in a harmonious manner and to coordinate its efforts to obtain better results. Among its advantages, there is an effective intervention through the prioritization of actions; the efficient use of allocated public resources; the development of timely monitoring of actions and evaluation of results, which allows to adjust or change the course if needed.

COFECE's strategic approach is composed of three pillars: a) the Institutional Strategic Planning Model, b) the Institutional Performance Evaluation System (SEDI, as per its initials in Spanish), and c) the Monitoring and Control System (SSC, as per its initials in Spanish). Based on this strategic approach, at the beginning of each year, clear and challenging objectives are established, based on self-critical exercises, and whose progress is monitored and evaluated in an environment that favors accountability (See Diagram II.2).



Source: COFECE.

Institutional Strategic Planning Model (MOPEI)

This is the model through which COFECE aligns the daily operation with the achievement of its long-term institutional objectives. Strategic planning is the process through which organizations establish guidelines and formulate and implement strategies to achieve their objectives, based on internal and external variables.¹³ It has been discussed whether having this type of tools represents an advantage for governmental and civil society organizations.

In this regard, Bryson (1988) points out that government institutions with good planning exercises obtain great benefits, amongst which are: a) clarifying the future direction of the institution, b) developing justified and coherent foundations for decision-making – essential when using public resources –, c) carrying out measures to solve the most important

¹³ Ugboro, I. O., Obeng, K., & Spann, O. (2011). *Strategic Planning as an Effective Tool of Strategic Management in Public Sector Organizations: Evidence from Public Transit Organizations*. *Administration & Society*, 43(1):87-123. doi:10.1177/0095399710386315.

organizational problems, d) improving the institution's performance, and e) effectively facing the changing environment in which it operates.¹⁴ Likewise, having planning exercises favors stability, predictability and institutional growth, as it sets the course and lays the foundations for its actions. Moreover, guidelines and measurements are defined to have a constant and effective monitoring that accounts for the progress and performance of the institution.

This MOPEI is comprised of two phases which cover distinct time horizons: long and short term. On the one hand, COFECE carries out a long-term planning exercise that allows it to review every four years whether the strategy designed for the fulfillment of its constitutional mandate has been effective. This phase has seven stages that structure the process of elaboration, implementation and dissemination of the Strategic Plan.¹⁵ On the other hand, it carries out a short-term exercise in which it defines annual strategic actions, which has five stages that allow for alignment and monitoring for one year.¹⁶

LONG-TERM STRATEGIC PLANNING

In its six years of existence, COFECE has carried out two long-term strategic planning exercises.¹⁷ These processes have been developed in an auto-critical and analytical environment, in which opportunity areas and strengths, as well as external factors that may influence its performance have been identified.

The first Strategic Plan – in force from 2014 to 2017 – was elaborated with the support of an external facilitator, who accompanied COFECE's staff through the definition of its mission, vision, objectives and institutional values. During its preparation, consultations were conducted with relevant external actors with deep knowledge of competition policy in Mexico, its strengths and weaknesses and, therefore, on the expectations on the constitutional reform and the newly created body.

As for the current Strategic Plan – for the four-year period comprised from 2018 to 2021 –, it is the result of internal institutional work. In this planning process, both senior management and the rest of the public officials participated through internal consultation exercises. Moreover, the study and analysis of the perception on the economic competition issues

14 Bryson, J. M. (1988). *Strategic Planning for Public and Nonprofit Organizations*. *Long Range Planning*, 21(1):73-81. doi:10.1016/0024-6301(88)90061-1.

15 It is possible that not all stages have been present in both long-term strategic planning cycles of COFECE, as improvements resulting from lessons learned during the first plan were implemented in the second.

16 Much has been debated on the duration of short and long terms. Currently, the economic environment and technologies are changing in such speed that what was previously planned to be developed over a 20-years horizon, now can take place in a time lapse of three to five years. Thus, Emily Glantz recommends in her book *Strategic Planning: A 10-Step Guide (2001)*, that when an organization is relatively new the first strategic plan be designed for a period of three years. Subsequently, based on the evolution of the organizational model and the results of the institution, it may be possible to make a new plan every five years.

17 In 2013 the Strategic Plan 2014-2017 was built and in 2017 the plan corresponding to the 2018-2021 cycle.

and the work of COFECE, elaborated in 2017 by McKinsey México, which had the participation of businessmen and executives from the private sector, lawyers specialized in competition, opinion leaders and public officials, served as input. Since the study was elaborated by an external actor to COFECE, it allowed to identify opportunities for improvement and of focus for the definition of strategic objectives.¹⁸

The long-term strategic planning process of COFECE begins one year prior to the conclusion of the current strategic plan and consists of seven stages:

1. Awareness on the importance of strategic planning

Long-term strategic planning processes require the participation of the institution's leaders, the heads of priority areas and the team in charge of planning and monitoring.¹⁹ The participation of top management is fundamental for defining the course of the Commission, as it allows to identify: achievements worth replicating, lessons to be corrected, risks that can materialize, pending issues on the institutional agenda and priorities for the distribution of resources.

2. Elaboration of the diagnosis

The strategic analysis includes: Strengths, Weaknesses, Opportunities and Threats (SWOT) which allows the identification of internal and external positive and negative elements. Threats and opportunities are those factors external to the institution that can affect its performance; while strengths and weaknesses are key internal characteristics that impact on results.

In both strategic planning exercises, COFECE conducted SWOT analyses, which are presented in Annex I of this document. The diagnoses have enabled the Commission to act to mitigate external risks and address the identified areas of opportunity, without neglecting its strengths.

3. Definition of the mission, vision and institutional values

This stage enables recognizing what the organization was created for, and from there set the mission, vision and institutional values. The mission describes the reason for the institution's existence, what and how it will achieve it, hence, its wording must be clear, simple and concrete so that the staff of the institution and those stakeholders involved can remember it. On the other hand, vision constitutes an aspirational state that motivates and establishes a long-term goal. Finally, values are the principles that are relevant for COFECE's community and that guide its daily work.

18 The *Estudio y análisis de la percepción sobre temas de competencia económica y la labor de la COFECE* is available at: <https://www.cofece.mx/wp-content/uploads/2018/01/Estudio-labor-COFECE-17.pdf#pdf>.

19 Enterprise Community Partners. (1999). *Effective Strategic Planning: Getting Your Organization Focused and Directed*. USA. Available at: <https://www.enterprisecommunity.org/download?fid=6997&nid=4341>

COFECE defined its vision, mission and institutional values through two stages: a) it held working sessions with commissioners, heads of units and director generals to define them, and b) it involved all the institution's staff through an internal consultation in which each person chose the mission, vision and values with which they most identified with.²⁰

Diagram II.3 presents the vision, mission and values that resulted from this exercise and that will be in place for the 2018-2021 period.²¹ Annex II includes definitions in force for the 2014-2017 period.



Source: COFECE.

4. Identification of potential strategic problems

The main challenges faced by COFECE are identified from the findings of the diagnosis. Recently, specific problems are identified related to five themes: a) the enforcement of regulation in the field of economic competition, b) the prevention and correction of anticompetitive market structures and legal frameworks, c) the defense of the actions of the Commission before the Federal Judicial Power (PJF, as per its initials in Spanish), d) the promotion of competition issues, and e) the strengthening of the organizational model. Based on the above, the establishment of strategic objectives was carried out. (See Diagram II.4).

5. Establishment of institutional objectives and lines of action

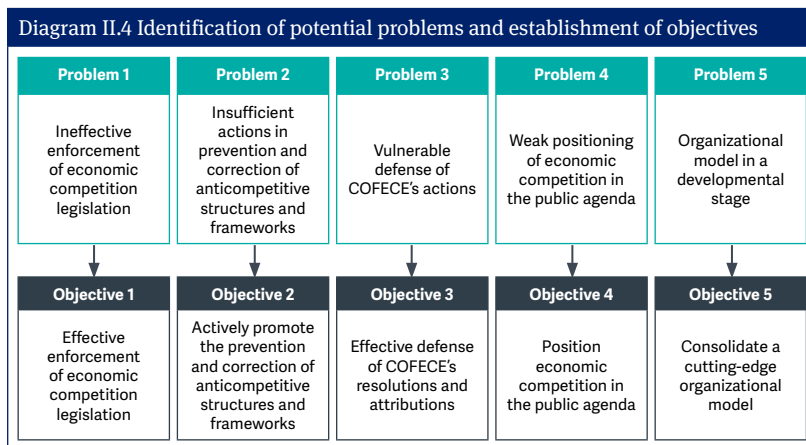
According to Gantz (2001), it is desirable to transform the organization's vision into long-term individual objectives, oriented to various categories of institutional action.²² In this phase, COFECE used the problem tree tool to obtain the objectives trees. Thus, COFECE defined measurable, realist,

²⁰ During the working sessions with commissioners, heads of units and director generals several proposals of vision, mission and values were defined, from which the rest of the personnel chose those they could relate to.

²¹ The vision, mission and values of COFECE for the 2014-2017 period can be found in Annex II of this document.

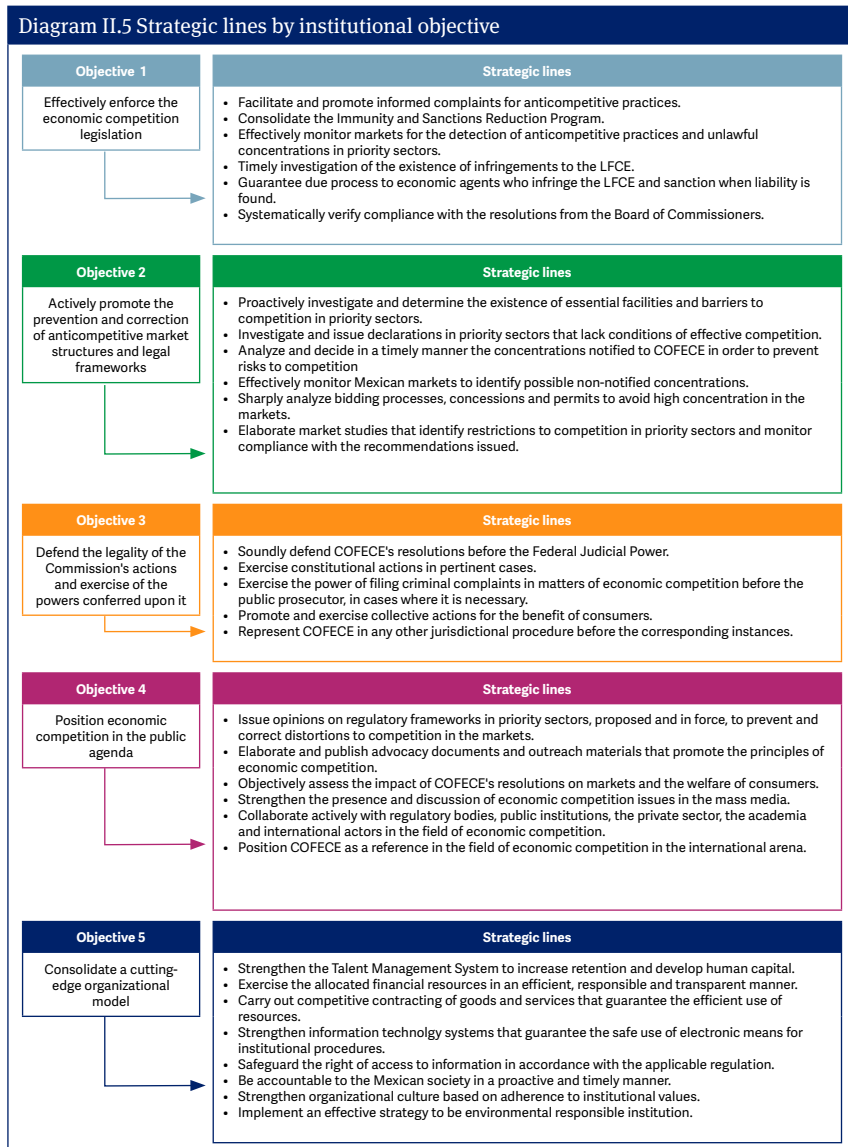
²² Gantz, M. Emily. (2001). *Strategic Planning: A 10-Step Guide*. Available at: http://siteresources.worldbank.org/INTAFRREGTOPTEIA/Resources/mosaica_10_steps.pdf

achievable and challenging institutional objectives. Subsequently, it established strategic lines to guide the process on how these objectives would be met. The following diagram presents the problems identified during the second long-term planning cycle that served as a basis for defining the 2018-2021 objectives:



Source: COFECE.

Once the institutional objectives had been identified, the strategic lines were defined, which specifically outline how the Commission will meet its objectives. In Diagram II.5 these lines and the objective from which they emanate are presented.



Source: COFECE.

6. Prioritization of sectors

Organizations have limited human, material and financial resources, so it is essential to define the most relevant actions. In this way, efforts are oriented towards the more far-reaching tasks. Hence, COFECE proactively focused its actions on economic sectors in which competition policy has the greatest impact on growth and welfare for people.

This prioritization was based on the following six criteria: a) high contribution to national economic growth; b) production of goods of generalized final consumption among society; c) production of intermediate goods that serve as an input for the production of other sectors, thus having cross-cutting impact on the economy; d) production of goods and services in high demand by lower income households; e) sectors that present regulatory barriers to entry and to compete in an efficient manner, and f) sectors with a history of monopolistic practices and with a high probability of recidivism.²³

Through the application of these criteria, COFECE established six priority economic sectors for the 2018-2021 period: financial, agri-food, energy, transport, health and, although it is not strictly speaking a sector, public procurement is also included in the priority agenda. The identification of priority sectors does not limit the Commission's action in other sectors, but rather allows for the allocation of greater resources to the elimination of that which impedes the efficient functioning of these markets.

7. Public consultation

Through public consultations, organizations request comments and opinions from citizens and interested parties about a particular topic. These consultations may be established in the regulations or carried out as a good practice in building open organizations with strong commitments to transparency, accountability and governance.

COFECE considers that public consultations strengthen plurality and openness, as society's contributions enrich its work. Therefore, even if it is not a legal obligation, conducting a public consultation on the long-term planning seems to us to be primordial.

SHORT-TERM STRATEGIC PLANNING

COFECE carries out short-term strategic planning exercises to integrate its annual work plans, aligned with objectives established in the Strategic Plan.^{24,25} The Annual Work Programs (PAT, for their acronym in Spanish) are tools for strategic planning rather than operational planning, since the actions included are highly relevant for the achievement of institutional objectives, and meet the following characteristics: 1. They are important for COFECE to fulfill its constitutional mandate; that is, they require efforts beyond operational or routine activities associated with substantive and adjective procedures; 2. They can be initiated by determination of the Commission, that is to say, they are not subject to demand; and 3. Their

23 *Plan Estratégico 2018-2021 (Strategic Plan 2018-2021)*. Available at: https://www.cofece.mx/wp-content/uploads/2018/02/PE_2018-2021.pdf#pdf

24 These exercises comply with Article 28, paragraph twentieth, section VIII of the CPEUM; as well as Articles 12 section XXV and 49 of the LFCE.

25 In accordance with Article 49 of the LFCE, the PAT must be presented to the Executive and Legislative powers on January 31st of each year.

quality depends strictly on the efficiency and effectiveness of COFECE's units. The conclusion of these projects or actions does not exempt the COFECE from complying with the rest of the activities of operative nature that are subject to demand and for which it is therefore difficult to set goals.

COFECE's short-term strategic planning model is comprised by the following stages:

1. Identification of strategic projects

In order to translate long-term objectives into daily actions, COFECE holds working sessions in which areas of improvement are identified, both in adjective and substantive procedures. Subsequently, actions or projects are designed to address these opportunities. These projects must be challenging, relevant, specific, achievable and measurable, so that they contribute to the fulfillment of long-term objectives.

2. Establishment of goals and partial activities

COFECE establishes the annual goal for each project or action. Furthermore, the action is divided into stages that allow the quarterly progress to be monitored. Thus, each action specifies the objective to which it contributes, the line of action of which it is part, the annual goal, the quarterly progress and the programmed completion date.

3. Elaboration of the Annual Work Program

The team in charge of planning and monitoring prepares the PAT, in which all strategic projects are deployed and their scopes are described. This document is communicated to COFECE's units to ensure that there is clarity concerning the projects and goals, and that those responsible of strategic actions are aware of what is expected of them, which favors the fulfillment of the annual goals.

4. Quarterly monitoring of programmed progress

The planning and evaluation unit at COFECE carries out systematic processes by which it gathers information from the units, analyzes it and determines the progress made in each strategic action. The information is reviewed, collated and validated by the planning and evaluation team, from which it determines a percentage of quarterly progress.

Moreover, the Commission has internal monitoring and oversight spaces, called working groups and institutional committees, in which COFECE's Commissioners and directors participate. These groups allow the monitoring of the strategic actions that are part of the PAT. Each working group or committee is assigned the monitoring of these actions or projects related to the subject to which they contribute, in such a way that all strategic projects are monitored at the highest management level.

5. Report of partial progress in quarterly activity reports

With this stage, the Commission complies with that provided in Article 49 of the LFCE, which establishes that it must submit a quarterly report of its activities to the Federal Executive and Legislative. In this document, the Commission reports its performance in relation to strategic objectives and goals, as well as the progress the fulfillment of its PAT.

Institutional Performance Evaluation System (SEDI)

To comply with that provided in article 2, section LI and 111 of the Federal Budget and Treasury Responsibility Law, COFECE has an Institutional Performance Evaluation System (SEDI). This system comprises the set of methodological, regulatory and operational elements that allow to monitor and objectively quantify the integral performance of the institution, so that it is possible to evaluate the fulfillment of the long-term objectives through strategic and managerial level indicators that provide relevant and timely information for the improvement of institutional procedures.

Thus, the SEDI comprises a control element that provides information on the conduction and execution of the competition policy, in compliance with the regulatory framework and in accordance with best international practices.²⁶ The benefits associated with implementation of SEDI are: a) linkage of institutional objectives with sound goals and indicators, b) relevant and timely information concerning the performance of the Commission, and c) identification of institutional opportunity areas based on indicators.

EVOLUTION OF THE SEDI METHODOLOGY

The system has a technically sound methodology which measures the performance of the Commission from internal and external sources that jointly constitute the Competition Policy Performance Indicator (IDPC, for its acronym in Spanish) which condenses the global assessment of COFECE's progress in meeting its institutional objectives and in the effective and efficient execution of competition policy (see Annex III. Structure of SEDI). The methodology is reviewed periodically, and is adjusted to the strategic planning in force.

MONITORING AND OVERSIGHT OF SEDI

The monitoring and follow-up of indicators of the SEDI is a continuous task and progress is communicated through reports. These evaluations will be conducted annually and their results are published on the COFECE's website at the end of the first quarter of the following year.

26 The SEDI 2018-2021 of COFECE is issued in accordance with the provisions of article 79 of the General Law of Government Accounting, as well as 2, section LI and 111 of the Federal Budget and Treasury Responsibility Law. The *Sistema de Evaluación del Desempeño Institucional 2018-2021* is available at: <https://www.cofece.mx/wp-content/uploads/2019/03/SEDI-2018-2021.pdf#pdf>

Monitoring and Control System (SSC)

COFECE has a system that allows it to anticipate situations that could threaten the fulfillment of its institutional objectives.²⁷ This scheme is based on best international practices and consists of four interrelated components: a) control environment; b) overall risk management; c) information and communication; and d) supervision.

This system is updated and strengthened in response to recommendations issued by the Superior Auditor of the Federation, as well as to the effort of self-criticism and continuous improvement within the Commission. Likewise, the annual reports on the status of the SCC, as well as the reports from internal and external audits of COFECE are published annually.²⁸

The components of the SSC are:

CONTROL ENVIRONMENT

This component defines the bases upon which the work of the Commission is developed; and includes the regulations, processes and structures necessary to have an ideal environment for the fulfillment of the objectives and mission of COFECE. Throughout these six years, COFECE has carried out work to strengthen a favorable environment in which public officials adequately develop their activities and make work decisions based on ethical principles and institutional values. The institutional framework for this component is reviewed and kept updated, and consists of the following elements:

- **Ethics Committee**, responsible for receiving concerns from the staff, monitoring and analyzing ethical misconducts, as well as for turning them over to corresponding units if necessary; in addition to developing the activities to strengthen the regulatory framework in this area.
- **Code of Ethics**, this document strengthens the ethics and integrity of public service through principles, values and integrity rules considered fundamental for the performance of public officials.²⁹
- **Code of Conduct**, describes the standards of conduct that should guide the actions of all COFECE public officials under the integrity principles, rules and values contained in the Code of Ethics.³⁰

²⁷ The monitoring and control system of COFECE is based on the Committee of Sponsoring Organizations of the Treadway Commission (COSO), (2013).

²⁸ Briefs and reports can be consulted at: <https://www.cofece.mx/planeacion-y-evaluacion/>

²⁹ The *Código de Ética* can be consulted at:

<https://www.cofece.mx/wp-content/uploads/2019/02/Acuerdo-Codigo-de-Etica-2019.pdf#pdf>

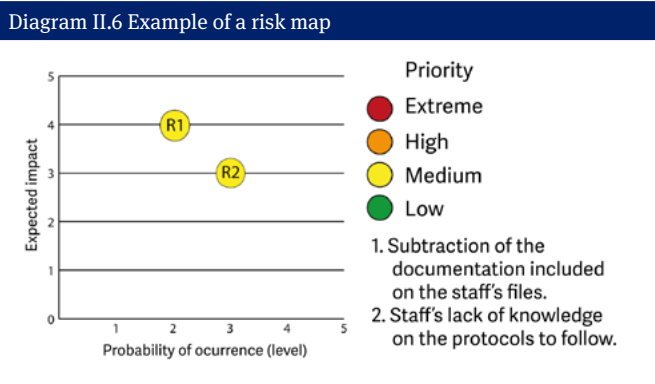
³⁰ The *Código de Conducta* can be consulted at:

<https://www.cofece.mx/wp-content/uploads/2019/06/Codigo-de-Conducta-2019-V10.pdf>

OVERALL RISK MANAGEMENT

This component includes the elements to identify and assess institutional risks; that is, those situations that would threaten the fulfillment of COFECE's objectives. Likewise, actions are defined to mitigate the probability of any of these risks materializing, that is, the activities that will help control the institutional risks; for this reason, they are called "controls" or "control activities".

All units of the Commission participate in the development of this component. The risk assessment is carried out annually, through the analysis of the status and validity of the risks identified the previous year, as well as those situations that had not been foreseen. Subsequently, controls are designed and a periodicity is defined for their execution or implementation. For example, most institutions identify attacks on their websites by external parties as a risk; the global assessment of this risk is "medium" due to the high impact it would have if it materialized, although its probability of occurrence is low. On the other hand, a recurring risk is related to the lack of knowledge of the protocols to follow in an emergency by the staff of an institution. In this case, the global risk assessment would also be "medium" level; since both its probability and its impact are medium.



Source: COFECE.

INFORMATION AND COMMUNICATION

This component refers to the efforts aimed at having high quality, integral and safe information networks, and that the information transmitted to be truthful and timely, both within and outside the Commission. As part of continuous improvement actions in security and information protection, and in the continuity of operations, administrative regulations were issued on ICT from which different computer systems have been developed that allow to carry out some Commission procedures by electronic means, without infringing the security of the information. As will be explained in more detail below, there is a working group that monitors the ICT agenda.

SUPERVISION

The last component of the SSC comprises the monitoring of the actions carried out by COFECE, as well as assessments or audits carried out by external authorities. Concerning this last point, since 2016, COFECE has hired firms to perform budgetary and financial audits, to evaluate objectively and independently the Commission's financial statements.³¹ This action contributes to the honest exercise of public resources and the fight against corruption.

For the monitoring of all actions described above, and in particular of those committed in annual work plans, the Commission has internal monitoring

³¹ The *Informe financiero y de resultados de la auditoría externa correspondiente al ejercicio fiscal 2018* can be consulted at: https://www.cofece.mx/wp-content/uploads/2019/08/informe_financiero_resultados_2018_COFECE.pdf#pdf
 The *Informe financiero y de resultados de la auditoría externa correspondiente al ejercicio fiscal 2017* can be consulted at: https://www.cofece.mx/wp-content/uploads/2018/09/informe_financiero_resultados_2017_COFECE.pdf#pdf
 The *Informe financiero y de resultados de la auditoría externa correspondiente al ejercicio fiscal 2016* can be consulted at: https://www.cofece.mx/cofece/images/Transparencia/PNT/Fraccion_25/DICTAMEN_EDO_FINANS_2016.pdf
 The *Informe financiero y de resultados de la auditoría externa correspondiente al ejercicio fiscal 2015* can be consulted at: https://www.cofece.mx/cofece/images/Transparencia/PNT/Fraccion_25/DICTAMEN_Edos_Finans_2015_COFECE.PDF
 The statements are published in compliance with criteria established by the National Institute of Transparency, Access to Information and Protection of Personal Data.

and accountability spaces, called working groups and institutional committees, in which COFECE's commissioners and senior officials participate. Each group is assigned actions or projects related to the subject to which they contribute, in such a way that all strategic projects are monitored, favoring the fulfillment of intermediate activities and the achievement of annual goals.

Committees and working groups have the following functions:

- To facilitate the discussion and drafting of regulations, guides and technical criteria for a better enforcement of regulation in matters of competition.
- To be spaces for accountability in which COFECE's areas can report the progress of their strategic actions and projects.
- To promote critical and creative thinking for the discussion of innovative solutions to the problems that COFECE identifies.
- To monitor the fulfillment of annual and quarterly goals, as well as the performance indicators of the areas.
- To identify and propose the implementation of best practices on matters of economic competition and institutional strengthening.

The committees and working groups are:

- 1. Institutional Performance Assessment Working Group:** responsible for establishing the criteria and methodology through which the performance of the units will be assessed. At the same time, it monitors the fulfillment of goals of the indicators by area.
- 2. Internal Control Committee:** responsible for monitoring the control actions to mitigate the risks faced by COFECE, monitoring compliance with the activities committed in this matter, in addition to permanently supervising the performance of the Monitoring and Control System.
- 3. Talent Management Committee:** responsible for planning, coordinating, supervising and evaluating the Talent Management System, which aims to promote professionalization and specialization of COFECE staff under the principles of efficiency, transparency, labor equality and non-discrimination.
- 4. Competition Policy Assessment Working Group:** elaborates and defines the methodology for the measurement of the impact of COFECE's actions on the welfare of the Mexican society. This working group makes an estimate in monetary terms of the benefit generated to consumers and prepares technical documents to

disseminate these results amongst society.

5. **Legal Working Group:** this working group reviews, analyzes and promotes modifications to the regulation on matters of economic competition, to provide economic agents with legal certainty.
6. **Competition Advocacy Working Group:** responsible for defining the strategy to promote principles of competition in society. It monitors actions related to advocacy issues to position economic competition on the public agenda.
7. **Information and Communication Technologies Working Group:** promotes and implements innovative technological solutions for both substantive and adjective processes of COFECE. Its objective is to improve the efficiency in processes through the use of information technologies.

COMPONENT II: EFFICIENT PROCEDURES AND LEGAL CERTAINTY

The reform of article 28 of the Constitution gave rise to COFECE as an autonomous competition authority, with legal personality and own assets, and with a specific organizational structure. This means that, in addition to the extension of the catalog of possible anticompetitive conducts carried out in the markets, one of the most relevant aspects of this reform is the establishment of an institutional design with checks and balances, so that the authority that investigates the cases is not the same that resolves and the one that resolves is not the same as that which reviews the resolutions.³²

This scheme provided objectivity and impartiality in Commission's resolutions.³³ The autonomy granted to COFECE, as well as its new powers, forced it to restructure its units and to perform an in-depth analysis of its procedures. All of the latter with the object of carrying out an adequate organic separation of the substantive functions.

Substantive procedures of COFECE

Derived from the restructuring of COFECE and from the review of its powers, the Commission carried out an analysis of the procedures under its charge, and defined those recently incorporated as a result of new powers conferred by the LFCE of 2014. Thus, 16 substantive processes from the extinct Federal Competition Commission were preserved and seven new procedures were established.

Legal certainty and self-regulation

The LFCE indicates the substantive procedures and the way in which COFECE must carry them out in order to fulfill its constitutional mandate. Its autonomy allows it to create its own regulations to fully exercising its powers. Since its early years, COFECE has used the possibility of issuing various legal instruments (guides, technical criteria, regulatory provisions, amongst others) for exercising its powers as a mechanism to provide certainty to economic agents about how it will interpret and implement the Law. This self-regulation allows a greater degree of predictability in its procedures, narrowing the spaces for discretionary conducts from public officials who work in this institution.³⁴

³² For more information on the mechanism of checks and balances of COFECE, see Palacios Prieto, A. & Pérez, J. (2017), Chapter: "¿En qué consiste la Reforma?"

³³ *Ibid.*

³⁴ Article 12 of the LFCE, in its section XXII, establishes that COFECE has powers to publish regulatory provisions, directives, guides, guidelines and technical criteria in matters concerning its functions.

These instruments are subject to public consultation in order to make them inclusive and representative. In this way, opinions are sought from economic agents involved in the Commission's procedures, as well as from members of academia, the private sector, firms of practitioners specialized in economic competition and from the general public. Thus, the contributions of society enrich the work of the Commission and give it greater legitimacy in the fulfillment of its powers. From the publication of the different provisions, guides, guidelines and technical criteria, the Commission specifies its action in the assumptions not considered in the regulations currently in force.

REGULATORY PROVISIONS

The Constitution and the LFCE establish that COFECE must issue regulatory provisions in the sphere of its competence.³⁵ These documents are aimed at strengthening the regulations on the matter based on the acquired institutional experience and adapt it to legislative changes that take place to provide greater certainty to economic agents. In this regard, and based on COFECE powers, the following provisions have been issued:

- *Disposiciones Regulatorias de la Ley Federal de Competencia Económica.*³⁶
- *Disposiciones Regulatorias sobre el uso de medios electrónicos ante la COFECE.*³⁷
- *Disposiciones Regulatorias de la Comisión Federal de Competencia Económica, para la calificación de información derivada de la asesoría legal proporcionada a los agentes económicos.*³⁸

ORGANIC STATUTE

The LFCE establishes in its article 12, section XVII, that COFECE has the power to issue its own Organic Statute. This document establishes the organic structure and lays the foundations of the Commission's operation in order to comply with the Law, as well as to determine the powers of the administrative units that are part of this body. Through this document the separation between the Investigative Authority and the Technical Secretariat is materialized.³⁹

³⁵ Article 28 of the Constitution, twentieth paragraph, section IV establishes that COFECE may issue general administrative provisions exclusively for the fulfillment of its regulatory function in the sector of its competence. Likewise, article 12 of the LFCE, sections XVII and XXII, indicates that COFECE shall issue Regulatory Provisions for the fulfillment of its attributions.

³⁶ The Regulatory Provisions of the Federal Economic Competition Law were amended on August 1, 2019 and are available at:

<https://www.cofece.mx/wp-content/uploads/2019/08/19.08.01-Disposiciones-Regulatorias-de-la-LFCE-ultima-reforma.pdf>

³⁷ Last amendment: July 18, 2019. Available at:

<https://www.cofece.mx/wp-content/uploads/2019/07/DRUMEs-reforma18-jul-2019-4.pdf>

³⁸ Regulatory Provisions for the qualification of information derived from legal counsel provided to economic agents were published in the Federal Official Gazette on September 30, 2019 and are available at:

<https://www.cofece.mx/wp-content/uploads/2020/06/20-04-28-CLIENTE-ABOGADO-English.pdf>

³⁹ The Organic Statute was modified on July 11, 2019 and is available at:

<https://www.cofece.mx/wp-content/uploads/2019/07/EstatutoOrganicoCofece-11072019.pdf>

CRITERIA

COFECE has issued technical criteria that allow economic agents and society to know the elements that are taken into consideration in its most relevant procedures. The Commission has issued three criteria which were published in the DOF, as well as on Commission's website.

- *Criterio técnico para la solicitud del sobreseimiento del proceso penal en los casos a que se refiere el Código Penal Federal.*⁴⁰
- *Criterios Técnicos de la Comisión Federal de Competencia Económica para la Solicitud y Emisión de Medidas Cautelares, así como para la Fijación de Cauciones.*⁴¹
- *Criterios Técnicos para el Cálculo y Aplicación de un Índice Cuantitativo para medir Concentración del Mercado.*⁴²

GUIDES

Likewise, COFECE publishes guides to provide orientation for economic agents and the general public on elements that are considered in the processing of its substantive procedures, both by the Investigative Authority and by the Technical Secretariat. By establishing guides that specify COFECE's actions and decision-making, economic agents have more information about the documentation they must present and the course of action to follow in their interaction with the institution. Since its creation, the following guides have been published:

1. *Guía para tramitar el procedimiento de investigación por prácticas monopólicas relativas o concentraciones ilícitas.*⁴³
2. *Guía para el inicio de investigaciones por prácticas monopólicas.*⁴⁴
3. *Guía del Programa de Inmunidad y Reducción de Sanciones.*⁴⁵
4. *Guía para la Notificación de Concentraciones.*⁴⁶
5. *Guía de los Procedimientos de Dispensa y Reducción del Importe de Multas.*⁴⁷

40 Published in the DOF on November 28, 2016. Available at: http://www.dof.gob.mx/nota_detalle.php?codigo=5462783&fecha=28/11/2016

41 Published in the DOF on December 16, 2015. Available at: http://dof.gob.mx/nota_detalle.php?codigo=5420247&fecha=16/12/2015

42 Published in the DOF on http://www.dof.gob.mx/nota_detalle.php?codigo=5392185&fecha=14/05/2015

43 GUÍA-001/2015, approved by the Board of Commissioners on June 18, 2015. Available at: https://cofece.mx/wp-content/uploads/2017/12/guia-0012015_pmr.pdf

44 GUÍA-002/2015, approved by the Board of Commissioners on June 18, 2015. Available at: https://cofece.mx/wp-content/uploads/2017/12/guia-0022015_inicio_investigaciones.pdf

45 GUÍA-003/2015, approved by the Board of Commissioners on June 25, 2015. Available at: https://cofece.mx/wp-content/uploads/2017/12/guia-0032015_programa_inm.pdf

46 GUÍA-004/2015, modifications to the Guide were approved by the Board of Commissioners on April 20, 2017. Available at: https://cofece.mx/wp-content/uploads/2017/12/mod_guia_not_concentraciones.pdf

47 GUÍA-005/2015, approved by the Board of Commissioners on November 26, 2015. Available at: https://cofece.mx/wp-content/uploads/2017/12/gua-0052015_disp_y_redmult.pdf

6. *Guía para Tramitar un Procedimiento de Investigación por Prácticas Monopólicas Absolutas.*⁴⁸

7. *Guía para el Intercambio de Información entre Agentes Económicos.*⁴⁹

GUIDELINES

Finally, COFECE issues guidelines of general nature and mandatory observance, by which it establishes terms, limits and characteristics that must be considered for activities or processes that are carried out before the Commission.

In the 2014-2019 period, the following guidelines have been issued:

- *Lineamientos para la notificación de concentraciones por medios electrónicos ante la COFECE.*⁵⁰
- *Lineamientos para la difusión del contenido de las resoluciones del Pleno de la Comisión Federal de Competencia Económica.*⁵¹

COFECE reviews and, if necessary, updates all documents mentioned here, so its permanently conducts this task. Thus, in addition to complying with that established in the Law, it generates legal certainty regarding its activities.

International cooperation as a strategy for continuous improvement in the enforcement of the law

International cooperation is a fundamental pillar in the process of COFECE's continuous improvement. The ties between the Commission and other competition agencies promote the exchange of experiences and best practices, as well as the generation of knowledge in the matter, to increase the effectiveness of task performance and law enforcement.

Cooperation can take place based on international treaties and agreements that contain provisions on competition matters, and through international forums such as the Organisation for Economic Co-operation and Development (OECD) and the International Competition Network (ICN). The participation of COFECE in these forums contributes to the positioning and recognition that the authority has in the international arena. The lessons learned from other agencies around the world have been an important input for building the institutional model that is addressed in this document.

48 GUÍA-006/2015, approved by the Board of Commissioners on December 10, 2015. Available at: https://cofece.mx/wp-content/uploads/2017/12/guia-0062015_pma.pdf

49 GUÍA-007/2015, approved by the Board of Commissioners on December 10, 2015. Available at: https://www.cofece.mx/wp-content/uploads/2018/01/guia-0072015_intercambioinf.pdf#pdf

50 Last modified on July 18, 2019. Available at:

<https://www.cofece.mx/wp-content/uploads/2019/07/Lineamientos-concentraciones-reforma-18-jul-2019.pdf>

51 Published in the DOF on February 15, 2019. Available at:

<https://www.cofece.mx/wp-content/uploads/2019/02/DOF-15feb2019-01.pdf>

Along with international forums, a fundamental element of our continuous improvement is the training and participation in workshops that promote the exchange of experiences, where approaches and strategies are shared through discussion of similar cases, and training of our staff is facilitated. Some noteworthy actions are:

- Annual trilateral meetings between the heads of the Department of Justice of the United States (DOJ), the Federal Trade Commission (FTC), the Bureau of Competition of Canada and COFECE, as well as meetings between the concentrations (mergers) teams of these authorities.
- Workshops organized by the ICN in which public officials from more than 30 competition agencies annually participate to address the most relevant and innovative matters regarding detection and effective prosecution of cartels and conducts related to abuse of market power, as well as concentration analysis.
- Technical assistance in matters of investigations by the DOJ and the Directorate-General for Competition of the European Commission (DG COMP).

Just as COFECE is strengthened with the support of other competition agencies, we also support the improvement of the technical capacity of our counterparts. In this regard, in 2015 the Commission launched the Fellows Program for Latin American and Caribbean competition agencies. Since its launch, COFECE has hosted officials from countries such as Argentina, Brazil, Ecuador, El Salvador, Nicaragua, Panama, Paraguay, Peru and the Dominican Republic.

COMPONENT III: HUMAN CAPITAL MANAGEMENT⁵²

The Commission's most valuable asset is its staff, since executing the procedures indicated in the LFCE requires analysis, dedication, creativity, continuous learning, professionalization and specialized technical knowledge, as well as professional ethics and commitment to public service. COFECE designed and applied a Talent Management System, which is a long-term strategy to attract, develop and retain the best talent.

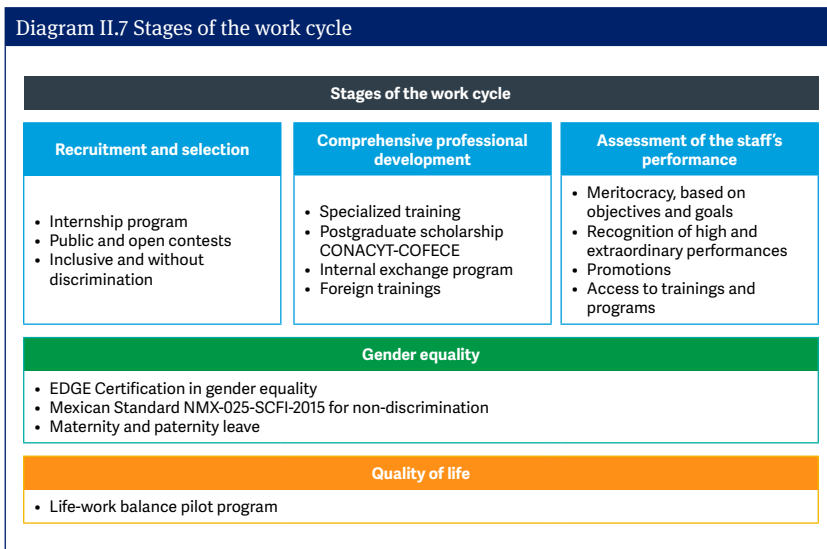
The Talent Management System

Merit, technical rigor and high specialization are the inspiration of the Talent Management System, which consists of six elements: I. Regulatory provisions, issued by the Board of Commissioners and governing the operation of the system; II. General and specific objectives, which incorporate the institution's aspiration towards excellence, based on technical specialization; III. Critical processes, ranging from the incorporation of people to the institution, up to their separation from work; IV. Collegiate body, known as the Talent Management Committee, which is responsible for monitoring the progress of the system and deciding on its evolution; V. Planning, the system and training programs are generated annually; and VI. Accountability, reports on the activities of the Committee are delivered to the Board of Commissioners.

The critical processes are aligned to the stages of the work cycle of the people in the institution: I. Recruitment and selection; II. Professional development; III. Evaluation of staff performance and promotions; and IV. Separation. As the instruments in the system have been created, they have been tested, reviewed and improved year after year. To this end, the Commission has developed various mechanisms, such as user satisfaction questionnaires in the recruitment and selection process or surveys to detect training needs, which are the basis for the Annual Training Program and work climate surveys.

The following diagram presents the main actions carried out by COFECE in the 2014-2019 period in matters of talent management, which will be described in greater detail:

⁵² For this publication, the definition of *human capital* currently used by the World Economic Forum was adopted, that is, *human capital* is understood as the knowledge and skills acquired by persons that allow them to create value in the global economic system. World Economic Forum. (2017). *The Global Human Capital Report 2017*. Switzerland. Available at: http://www3.weforum.org/docs/WEF_Global_Human_Capital_Report_2017.pdf



Source: COFECE.

Note: See *Disposiciones Generales y Políticas de Recursos Humanos de la COFECE*, published in the DOF on November 2, 2015 and reformed on July 4, 2018.

RECRUITMENT AND SELECTION

COFECE aims for its recruitment processes to be competitive and focused on attracting the applicants with the greatest talent, the best academic credentials and solidity in their professional careers.⁵³ To this end, public and open contests are held for vacant positions in the Commission, in which external and internal candidates compete in equal circumstances.^{54, 55}

COFECE has a Candidate Selection System, through which the different stages of selection contests are held: the publication of the calls, the qualifications and the decision of the contest. This computer system provides transparency to the process while maintaining the anonymity of participants, since people receive a folio number, which is linked to their personal information as an applicant during the process, so that their identity remains unknown until the interview stage.

This process prevents discrimination on grounds of sex, age, disabilities, religion, marital status, ethnicity, social condition, sexual preference, health status, pregnancy or any other - and expressly prohibits it in any

⁵³ Due to the characteristics of the Talent Management System, there are two types of candidates for working at the Commission: professionals interested in occupying vacant positions and college graduates who apply for the internship and social service Program. Recruitment, selection and hiring of personnel are regulated in Articles 17 to 33 of the *General provisions and policies of human resources of COFECE*, and the Program of internships and social service in Articles 81 to 86.

⁵⁴ An internal candidate is understood to refer to those persons currently working at COFECE and that are looking for an opportunity for growth.

⁵⁵ In accordance with Article 33, Section IV of the *General provisions and policies of human resources of COFECE*, vacant positions can be appointed directly.

processes related to hiring of new staff, pursuant to Articles 22 and 31 of the *Disposiciones Generales y Políticas de Recursos Humanos de la COFECE*.

INTEGRAL PROFESSIONAL DEVELOPMENT

For COFECE professional development aims to ensure that public officials acquire new knowledge, specialize and develop new skills to fill vacant posts of equal or greater hierarchy, in positions according to their profile and specialty. This is promoted through training, exchange programs, as well as promotion schemes, and is complemented by programs that improve the balance between personal and work life.

1. Training

COFECE promotes the development of its human capital through continuous training. An institutional diagnosis is carried out annually to learn the training needs of public officials. This information facilitates the construction of the Annual Training Program in two main aspects: high specialization and human development. Compliance with this program is periodically reviewed by the Talent Management Committee.⁵⁶

2. Exchange programs

COFECE is implementing a mechanism for training at foreign peer agencies. The objective is for our staff to have the opportunity to spend some relevant time at other agencies learning about their investigative techniques and best practices. Similarly, the Commission receives four or five public officials from Latin American peer institutions, who participate as interns.

3. Promotions scheme

The results of individual performance ensure that staff promotions are decided on the basis of objective data. When a person enters COFECE, it is always from the lowest category of their position and if their final performance qualification is high or extraordinary, they can compete in the annual call for promotions and, if it is the case, improve their position within the same job level. The objective of the promotions scheme is to continuously encourage the development and productivity of public officials.

4. COFECE – CONACYT scholarship

COFECE signed a collaboration agreement with the National Council for Science and Technology (CONACYT, for its acronym in Spanish) to promote the training and academic development of the Commission's public officials through the granting of scholarships. The postgraduate programs in which applicants can participate address priority areas of interest for COFECE, such as: investigation of collusive conducts;

⁵⁶ For more information on the Talent Management System or the Talent Management Committee, see the General provisions and policies of human resources of COFECE, available at: <https://www.cofece.mx/wp-content/uploads/2018/07/DisposicionesRHintegradoconreformas2018.pdf#pdf>

abuse of dominance in markets; analysis of the behavior of market variables; merger analysis; economic and legal analysis of markets, and productive sectors, and their regulation; and analysis of competition regulation and policies, among others. A maximum of five scholarships are awarded annually for part-time studies in Mexico and a maximum of three scholarships for full-time master's or doctoral studies abroad.

5. Staff rotation program

COFECE has an *Internal Rotation Program*, which is a training scheme for public officials through the exchange of staff between different units. This program allows them to acquire comprehensive knowledge and to develop new skills, through the incorporation for a certain period into a different unit to which they are assigned, carrying out activities of that unit.

ASSESSMENT OF STAFF'S PERFORMANCE

The Talent Management System links professional development with the assessment of individual performance, which allows to objectively cross-check the work of each public official with what is expected of their position. The assessment focuses on the fulfillment of personal indicators and objectives defined at the beginning of each year, by the employee and his superior. At the end of the first semester, a preliminary assessment is carried out and at the end of the year, the final evaluation.

This exercise clearly establishes the expected results for each employee, as well as the objective metrics that will be used to measure his or her performance. The way in which this process is carried out facilitates the orientation to individual results, as the collaborator has timely information regarding what is expected from her, and of his areas of opportunity and strengths. As explained below, the results of the annual assessments are an input for the determination of training schemes, either through the *Internal Rotation Program* or through international exchanges, as well as promotions for the following year, which favors the culture of recognition of merit and reward efforts.

Gender perspective

An avant-garde institution recognizes the importance of providing equal opportunities for entry and development of the people who comprise it. The reasons are numerous and range from the promotion of human rights, to the existence of productivity gains in institutions that have mixed management bodies. As an example of this, in 2011, the international consulting firm McKinsey found that –in six Latin American countries– companies whose executive committees include at least one woman obtained a higher net profit margin of 47%, compared to companies with strictly male governing bodies.⁵⁷

COFECE has paid attention to the global trend for closing the gender gap and has been careful to incorporate an equal opportunities approach into its Talent Management System. Article 15, section I of the *Disposiciones Generales y Políticas de Recursos Humanos de la COFECE*, establishes that the regulations of the system will be governed by equal opportunities and non-discrimination for entry, promotion, granting of incentives, recognitions and for the training of staff; and they will be based on experience, performance, skills, knowledge and the results of evaluation.

The foregoing was reflected in key actions to position COFECE as the first Mexican public institution recognized for being seriously committed to closing the gender gap (See Diagram II.5).

⁵⁷ McKinsey & Company. (2013). *Women Matter: A Latin American Perspective*. Available at: <https://www.femtech.at/sites/default/files/Women%20Matter%20Latin%20America.pdf>

Diagram II.5 Institutional path for closing the gender gap



Source: COFECE.

a. Ruled in the General provisions and policies of human resources of COFECE.

b. Programs with a duration larger than a year.

c. 2016 and 2018 are marked with a ★ as they correspond to years in which COFECE received certifications which recognize the advancements towards gender equality and non-discrimination.

These institutional efforts made it possible to obtain two awards: the international EDGE certification in gender equality; as well as the certification in Mexican Standard NMX-R-025-SCFI-2015 on labor equality and non-discrimination.^{58, 59} EDGE certification is considered the leading methodology for assessing gender equality conditions in institutions internationally. The Commission was the first public institution in Latin America to have been granted such certification. As for the certification in Mexican Standard NMX-R-025-SCFI-2015 in labor equality and non-discrimination, it distinguishes COFECE as a workplace with practices and policies of labor equality and non-discrimination, favoring integral development of its people.⁶⁰

Work-Life balance

COFECE has several measures, currently in a pilot program, which are intended to promote a positive work environment through mechanisms that provide clarity regarding working hours and promote a balance between work and private life:

58 EDGE (*Economic Dividends for Gender Equality Certification*).

59 The standard can be consulted at:

https://www.gob.mx/cms/uploads/attachment/file/25111/NMX-R-025-SCFI-2015_2015_DGN.pdf

60 Said standard was the result of joint efforts by the Ministry of Labor and Social Welfare, the National Institute of Women and the National Council for Prevention of Discrimination. This Mexican Standard establishes the requirements that public, private and social work centers must meet to prevent discriminatory practices as well as to promote inclusion and equal treatment for people.

1. Staff who live farther than 20 kilometers from the Commission may work at home once every two-weeks;
2. A day off will be granted during the month of the collaborator's birthday;
3. Staff will avoid scheduling work meetings after 17:30, with the purpose of not affecting the time of the end of the workday;
4. A day off will be granted to public officials who had collaborated on projects whose relevance and complexity demanded extenuating periods of work.

COMPONENT IV: ACCOUNTABILITY AND TRANSPARENCY

The State is obliged to inform on the use of allocated public resources, as well as to make available to the public the public information it generates. COFECE, being an executor of public spending, must comply with the provisions of applicable regulation on transparency and be accountable to the Executive and Legislative Powers.⁶¹ Therefore, it proactively performs accountability exercises, since the recognition of achievements and areas of opportunity is an important engine for continuous improvement.

Institutional accountability agenda

The Commission issues its *Accountability Agenda* in order to make widely known the documents it publishes for reporting on its performance. This agenda includes the institutional documents and reports that must be developed and published by mandate of the Law, as well as others made proactively. With this, the Commission seeks to provide sufficient quality information to the public and the supervisory bodies to evaluate its administrative management, in addition to informing on the benefits produced from enforcing competition policy.⁶²

Documents included in this agenda, and that COFECE must issue by legal mandate, are the following:

- Annual work plans: establish the main actions to be carried out during a year.
- Quarterly activity reports: present the progress of actions programmed in the PAT for that year by strategic objective.
- Quarterly reports on the spending exercise: present accounting, budgetary and financial information.
- Reports on the assessment of institutional performance: present information on the results of the use of federal public resources.
- Reports on the trust funds of COFECE: information concerning income, spending, balances and destinations of trust funds of which the Commission participates.

Likewise, COFECE issues the following documents as a proactive accountability effort:

61 The Commission is an obligated subject in matters of accountability as established in the Political Constitution of the United Mexican States, 1917; the Federal Economic Competition Law, 2014; the Federal Law of Transparency and Access to Public Information, 2016, the General Law of Transparency and Access to Public Information, 2015; the Federal Budget and Treasury Responsibility Law, 2006; and the Law of Oversight and Accountability of the Federation, 2016.

62 The Accountability Agenda for the 2018-2021 period can be consulted at https://www.cofece.mx/wp-content/uploads/2018/06/ARC_18-21_COFECE.pdf#pdf

- Reports on the results of the annual work plans: describe in detail the progress of projects committed at the end of each exercise.
- Monthly reports: summarize the actions and results of the Commission in the corresponding month.
- Monitoring and control reports: report the progress made in the implementation of the monitoring, control and accountability system. These documents are part of the tools for continuous improvement in the institution
- Reports on the results of audits: present information on the audits to COFECE once the auditing entities conclude their review and issue recommendations.

By including these reports in its accountability agenda, COFECE is committed to drafting and publication within the dates established by such document.

III. FUTURE CHALLENGES

The Commission has made great efforts for institutional building and strengthening, which have been reflected in the soundness achieved despite the short time lapse since its creation and until today. Likewise, it must be recognized that the maturity of the institutions that manage to become international referents is achieved after long periods in which challenges are identified and strategies are established to overcome them.

In the case of COFECE, the **most important challenges** looming for the next five years are:

- **Strengthen the enforcement of regulations on the matter**, through technical standardization and the review and update of substantive procedures, investigation techniques and market analyses, to adapt to new realities.
- **Deepen the understanding of digital markets**, to safeguard competition conditions that guarantee the greatest benefits for consumers, without implying the obstruction of potential competitors or the creation of new markets.
- **Influence the conditions of effective competition in network markets**, which, due to their complexity, pose a greater regulatory challenge and have a great cross-cutting impact in different sectors of the economy ; guaranteeing the competition conditions in these markets is a good way to impact on the welfare of households.
- **Accompany governments and legislators** in modifying public policy or regulatory frameworks hindering competition, through the clear dissemination of the competition policy.
- **Be a renowned voice** and improve the understanding of how society can influence to a more intense rivalry in the markets.
- **Guarantee institutional autonomy** that protects technical decisions made by COFECE, from economic interests and political cycles, so as to preserve the rigor and consistency in the decisions of the authority.
- **Consolidate budgetary, functional and operational independence**, so that the economic competition policy is applied independently from external factors.
- **To create a Professional Career Service**, based on entry by merit, equal opportunities and long-term stability.

- **To consolidate affirmative actions that promote gender equality,** among which stands out the promotion of an egalitarian work culture in the Commission.

COFECE is aware that the consolidation of an avant-garde institutional model is a long-term process and continuous improvement, which implies the permanent review of its operation through self-criticism exercises that favor feedback and, where appropriate, the implementation of adjustments. A solid competition authority lays the foundations for a “level-playing field” in the markets, which translates into greater welfare for Mexican families.

ANNEX I. SWOT ANALYSIS

SWOT Analysis (2014)	
Strengths	Weaknesses
<ul style="list-style-type: none"> ▪ Board of Commissioners formed by newly appointed members with compatible vision and objectives. ▪ Competent and experienced staff. ▪ Independence for decision-making ▪ Constitutional autonomy and new powers. 	<ul style="list-style-type: none"> ▪ Limited strategic focus and prioritization. ▪ Difficulties for retaining competent and experienced staff. ▪ Insufficient coordination with other private and social institutions. ▪ Non-standardized procedures and lack of guidelines.
Opportunities	Threats
<ul style="list-style-type: none"> ▪ Favorable pro-competitive momentum in the country. ▪ Recognition and nobleness of the issue of economic competition. ▪ Credibility due to the autonomy and a new Board of Commissioners. ▪ Better means for achieving objectives due to new constitutional attributions. ▪ Creation of Specialized Courts in matters of economic competition, broadcasting and telecommunications. 	<ul style="list-style-type: none"> ▪ Sectoral laws and regulations with anticompetitive components. ▪ Concentrated interest groups with political and economic power, in sectors with competition issues. ▪ Oversized expectations due to the new constitutional attributions. ▪ Lack of legal certainty to address situations that involve markets related to telecommunications.

Source: COFECE

SWOT Analysis (2018)

Strengths	Weaknesses
<ul style="list-style-type: none"> ▪ Interventions in priority markets for the welfare of Mexican families. ▪ The economic benefits generated by COFECE's interventions have been cost-effective, since they overall exceed the budget allocated as a whole. ▪ National and international prestige of the Commission as an institution with high technical quality and relevant actions. ▪ Positive results in its different areas of responsibility and initiative in terms of transparency and accountability. 	<ul style="list-style-type: none"> ▪ Lengthy duration of substantive processes. ▪ Reduced work team for the development of the Commission's substantive and adjective procedures. ▪ Need for greater specialization in the instrumentation of some procedures under the new LFCE. ▪ The talent management and internal institutional control at an early stage of implementation.
Opportunities	Threats
<ul style="list-style-type: none"> ▪ Influence to ensure the success of the reforms. ▪ Emergence of new markets that can lead to anticompetitive behavior and/or structures. ▪ Niches of public opinion that can include in their discussion agenda topics relevant to competition policy. ▪ Willingness of public, private, academic and social stakeholders to get involved in economic competition policy. 	<ul style="list-style-type: none"> ▪ Possible withdrawal of Mexico from North American Free Trade Agreement. ▪ Jurisprudence contrary to the competition reform in matter of economic competition that jeopardizes substantive procedures. ▪ Creation of new regulatory provisions that distort competition processes in national and subnational markets.

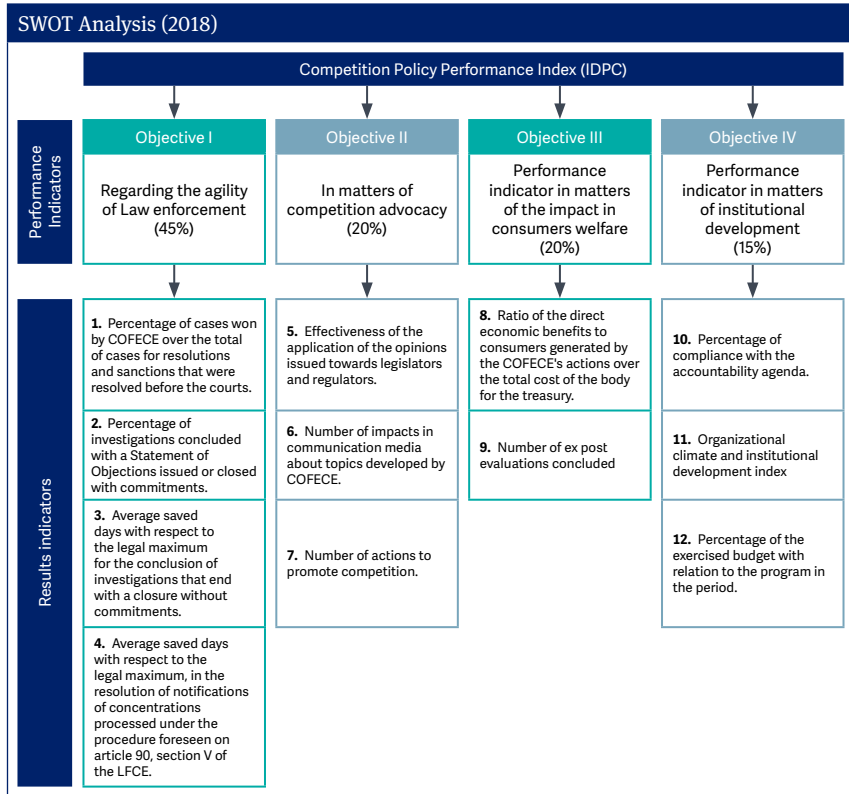
Source: COFECE.

ANNEX II. VISION, MISSION AND VALUES

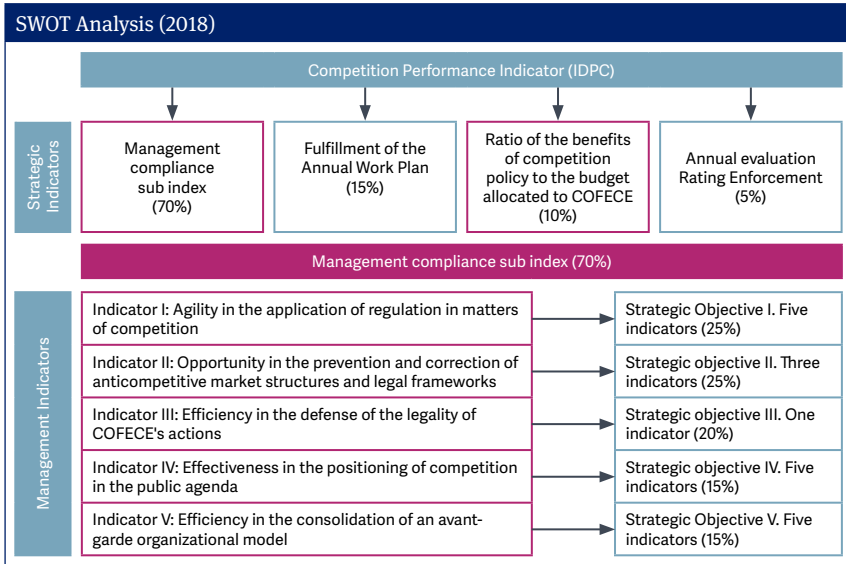
Vision, Mission and values 2014-2017	
Vision	Mission
To be an authority of national and international prestige, which efficiently promotes competition in the markets, whose opinions, studies and resolutions contribute to economic growth and welfare of Mexicans, and that is an obligatory reference in public policy decisions due to its adherence to the values of legality, impartiality, objectivity, transparency and excellency.	Guarantee competition and free market access, and prevent, investigate and combat monopolies, monopolistic practices and illegal concentrations, issue guidelines to regulate essential facilities and eliminate barriers to competition and free market access, as well as other restrictions to the efficient functioning of the markets, in the terms established by the Constitution, treaties and laws.
Values	
Legality Impartiality Objectivity Transparency Excellency	

Source: COFECE.

ANNEX III. STRUCTURE OF THE SEDI



Source: COFECE.



Source: COFECE.

ANNEX IV. 2013-2019 RESULTS⁶³

Between September 2013 and December 2018, COFECE initiated 57 investigations: 34 on absolute monopolistic practices, 18 for relative monopolistic practices and 5 for unlawful concentrations. Of these investigations, 22 concluded with sanctions for the economic agents involved:

1. Of 18 of absolute monopolistic practices cases (See Table IV.1), those presented in COFECE's priority sectors stand out and include the markets for: production, distribution and commercialization of sugar, retirement funds' administration services, maritime passenger transportation services in Quintana Roo, latex products purchased by the health sector; passenger air transportation and dental toothbrushes purchased by the health sector.
2. The 3 cases corresponding to relative monopolistic practices (See Table IV.2), are the found in the market of taxis at the Mexico City International Airport (AICM, for its acronym in Spanish), in the home furniture market in Jalisco and in the credit information.
3. The sanctioned case for unlawful concentrations (Table Annex IV.3) refers to the market for restaurants and the granting of brand licenses for the distribution and commercialization of clothing, footwear and accessories.

In matter of investigations on essential facilities and barriers to competition (Table IV.4), from September 2013 to June 2018, 7 investigations were initiated. Of these, 1 concluded with a closure and 2 were resolved, regarding the markets for air transportation services which access and use the AICM for its landing and/or take off procedures, and for the public transport services for building materials in Sinaloa.

Regarding the analysis and resolution of concentrations (Annex IV.9), in the 2013-2019 period, COFECE concluded 865 cases. Of these, 789 concentrations were authorized, 20 conditioned and 6 objected. The 50 remaining cases were not presented or were desisted. Among the cases conditioned, the mergers between Continental and Veyance, Soriana and Chedraui, as well as Delta Airlines and Aeromexico stand out. As for the six objected transactions, these correspond to the concentration between Ienova and Pemex in the market for the distribution of liquefied natural gas and liquefied gas; Rea and Xignux regarding business activities in the production and distribution of magnet wire; Rheem and Grupo Industrial Saltillo in the market for water heaters; Walmart and Soriana;

63 Refers to the period between September 11, 2013 and June 30, 2019.

QDR Realestate and Soriana in the market of self-service stores and Walmart and Cornershop in the market for logistic services of purchase and delivery of products offered by self-service stores.

As for the analysis of regulatory documents to identify potential regulatory barriers to competition, COFECE issued 56 opinions (Table IV.14): 11 within the framework of the collaboration agreement between COFECE and the National Commission for Regulatory Improvement (CONAMER, for its acronym in Spanish), and 45 ex-officio or per request. Among the opinions issued, those related to transportation network companies, the Decree by which the General Law for Regulatory Improvement is issued, the Law to regulate Financial Technology Institutions and the provision of financial and banking services, stand out.

Finally, in this period, the PJJ resolved 247 cases regarding economic competition (Table IV.15). Of which, in 196 the resolutions issued by COFECE were confirmed.

The following tables present a summary of the results of the substantive procedures of COFECE, in the period 2013 and 2019:

Table Annex IV.1 Investigations into absolute monopolistic practices 2013^a-2019^b

	2013 ^a	2014	2015	2016	2017	2018	2019 ^b	Total
Initiated	3	6	5	6	9	4	1	34
Applications to the Immunity and Sanction Reduction Program	1	6	18	26	15	10	3	79
Closed on the first stage	1	4	0	1	1	1	0	8
Trial-like procedures initiated	0	1	1	7	4	5	4	22
Trial-like procedures concluded	1	2	1	5	7	2	3	22
Sanction	1	2	1	4	6	2	2	18
Closed due to lack of elements	0	0	1	1	1	0	1	4

Source: COFECE.

Notes:

a. Considers data from September 11 to December 31st, 2013.

b. Considers data until June 30, 2019.

**Table Annex IV.2 Investigations into relative monopolistic practices
2013^a - 2019^b**

	2013 ^a	2014	2015	2016	2017	2018	2019 ^b	Total
Initiated	2	1	7	2	2	3	1	18
Closed in the first stage	0	0	1	1	0	1	1	4
Commitments in the first stage	0	0	0	1	0	1	0	2
Trial-like procedures initiated	0	1	1	0	4	2	0	8
Trial-like procedures concluded	1	0	1	1	0	3	1	7
Sanction	1	0	0	1	0	0	1	3
Commitments	0	0	1	0	0	3	0	4
Closed due to lack of elements	0	0	0	0	0	0	0	0

Source: COFECE.

Notes:

a. Considers data from September 11 to December 31st, 2013.

b. Considers data until June 30, 2019.

**Table Annex IV.3 Investigations into unlawful concentrations
2013^a - 2019^b**

	2013 ^a	2014	2015	2016	2017	2018	2019 ^b	Total
Initiated	NA	1	0	2	2	0	0	5
Closed in the first stage	NA	0	0	0	0	0	1	1
Commitments in the first stage	NA	0	0	0	0	1	0	1
Trial-like procedures initiated	NA	0	1	0	0	0	0	1
Trial-like procedures concluded	NA	0	1	0	0	0	0	1
Sanction	NA	0	1	0	0	0	0	1
Closed due to lack of elements	NA	0	0	0	0	0	0	0

Source: COFECE.

Notes:

a. Considers data from September 11 to December 31st, 2013.

b. Considers data until June 30, 2019.

**Table Annex IV.4 Investigations of essential facilities and barriers to competition
2013^a - 2019^b**

	2013 ^a	2014	2015	2016	2017	2018	2019 ^b	Total
Initiated	NA	0	2	2	2	1	0	7
Concluded	NA	0	0	0	3	0	0	3
Resolved	NA	0	0	0	2	0	0	2
Closed	NA	0	0	0	1	0	0	1

Source: COFECE.

Notes:

a. Considers data from September 11 to December 31st, 2013.

b. Considers data until June 30, 2019.

**Table Annex IV.5 Resolutions on competition conditions
2013^a - 2019^b**

	2013 ^a	2014	2015	2016	2017	2018	2019 ^b	Total
Initiated	NA	0	0	2	0	1	0	3
Concluded	NA	0	0	1	0	1	0	2
Resolved	NA	0	0	0	0	0	0	0
Closed	NA	0	0	1	0	1	0	2

Source: COFECE.

Notes:

a. Considers data from September 11 to December 31st, 2013.

b. Considers data until June 30, 2019.

**Table Annex IV.6 Fines imposed for infringements to the Law
2013^a - 2019^b**

	2013 ^a	2014	2015	2016	2017	2018	2019 ^b	Total
Fines imposed	\$129,417,988	\$247,855,013	\$76,524,140	\$372,506,948	\$3,656,859,972	\$654,698,402	\$146,113,956	\$5,283,976,420
Fines in dispute	\$0	\$0	\$28,676,676	\$99,562,495	\$1,735,560,697	\$424,513,321	\$0	\$2,288,313,190
Fines confirmed	\$129,417,988	\$243,410,367	\$7974,441	\$272,944,453	\$1,921,299,275	\$230,185,081	\$146,113,956	\$2,951,345,562
Lost fines	\$0	\$4,444,646	\$39,873,023	\$0	\$0	\$0	\$0	\$44,317,668

Source: COFECE.

Notes:

a. Considers data from September 11 to December 31st, 2013.

b. Considers data until June 30, 2019.

**Table Annex IV.7 Fines imposed as enforcement measures
2013^a - 2019^b**

	2013 ^a	2014	2015	2016	2017	2018	2019 ^b	Total
Fines imposed	NA	\$3,209,733	\$2,557,267	\$134,171,544	\$24,741,204	\$67,926,718	\$20,987,137	\$253,593,603
Fines in dispute	NA	\$0	\$1,208,337	\$60,815,514	\$484,170	\$0	\$0	\$62,508,021
Fines confirmed	NA	\$3,209,733	\$1,348,931	\$70,582,522	\$24,257,035	\$67,926,718	\$20,987,137	\$188,312,075
Lost fines	NA	\$0	\$0	\$2,773,508	\$0	\$0	\$0	\$2,773,508

Source: COFECE.

Notes:

a. Considers data from September 11 to December 31st, 2013.

b. Considers data until June 30, 2019.

**Table Annex IV.8 On-site searches
2013^a - 2019^b**

	2013 ^a	2014	2015	2016	2017	2018	2019 ^b	Total
On-site searches	3	4	16	21	12	26	11	93

Source: COFECE.

Notes:

a. Considers data from September 11 to December 31st, 2013.

b. Considers data until June 30, 2019.

**Table Annex IV.9 Concentrations
2013^a - 2019^b**

	2013 ^a	2014	2015	2016	2017	2018	2019 ^b	Total
Concluded	46	118	149	139	159	184	70	865
Authorized	45	106	141	132	131	172	62	789
Conditioned	0	6	3	2	8	1	0	20
Objected	0	0	1	0	1	3	1	6
Others (not presented, desisted)	1	6	4	5	19	8	7	50

Source: COFECE.

Notes:

a. Considers data from September 11 to December 31st, 2013.

b. Considers data until June 30, 2019.

**Table Annex IV.10 Opinions on calls to tenders
2013^a - 2019^b**

	2013 ^a	2014	2015	2016	2017	2018	2019 ^b	Total
Concluded	2	14	22	20	24	20	1	103
Recommendation Issued	1	14	21	19	22	18	1	96
Not admitted to proceeding	1	0	0	0	2	0	0	3
Desisted	0	0	1	1	0	2	0	4

Source: COFECE.

Notes:

a. Considers data from September 11 to December 31st, 2013.

b. Considers data until June 30, 2019.

**Table Annex IV.11 Opinions on participants in tenders
2013^a - 2019^b**

	2013 ^a	2014	2015	2016	2017	2018	2019 ^b	Total
Concluded	NA	21	67	54	31	33	0	206
Favorable opinion	NA	12	66	44	18	19	0	159
Non-favorable opinion	NA	2	0	0	7	1	0	10
Favorable opinión non-conditioned	NA	0	0	0	4	2	0	6
Others	NA	7	1	10	2	11	0	31

Source: COFECE.

Notes:

a. Considers data from September 11 to December 31st, 2013.

b. Considers data until June 30, 2019.

**Table Annex IV.12 Opinions on concessions and permits
2013^a - 2019^b**

	2013 ^a	2014	2015	2016	2017	2018	2019 ^b	Total
Concluded	4	9	3	20	10	36	22	104
Favorable opinion	2	6	2	12	8	20	11	61
Non-favorable opinion	0	0	0	0	0	0	0	0
Administrative closure	2	3	1	8	2	16	11	43

Source: COFECE.

Notes:

a. Considers data from September 11 to December 31st, 2013.

b. Considers data until June 30, 2019.

**Table Annex IV.13 Regulatory analysis Agreement COFECE-COFEMER
2013^a - 2019^b**

	2013 ^a	2014	2015	2016	2017	2018	2019 ^b	Total
Total analyses performed	9	47	80	44	68	49	11	299
In favor of competition	0	6	1	0	0	0	0	7
Neutral regulations	8	29	70	43	64	40	11	257
Contrary to competition	1	12	9	1	4	9	0	35

Source: COFECE.

Notes:

a. Considers data from September 11 to December 31st, 2013.

b. Considers data until June 30, 2019.

**Table Annex IV.14 Opinions issue in accordance with article 12 of the LFCE
2013^a - 2019^b**

	2013 ^a	2014	2015	2016	2017	2018	2019 ^b	Total
Concluded	1	16	17	8	6	6	2	56
Opinions issued in the framework of the agreement COFECE-COFEMER	0	0	9	1	1	0	0	11
Ex officio opinions or by request	1	16	8	7	5	6	2	45

Source: COFECE.

Notes:

a. Considers data from September 11 to December 31st, 2013.

b. Considers data until June 30, 2019.

**Table Annex IV.15 Opinions on participants in tenders
2013^a - 2019^b**

	2013 ^a	2014	2015	2016	2017	2018	2019 ^b	Total
Resolved by the PJF	12	46	30	44	37	45	35	247
Amparos dismissed	8	15	7	11	9	15	7	64
Amparos denied	2	27	17	24	23	22	11	122
Amparos granted	2	4	6	9	5	8	17	49
Percentage of amparo proceedings concluded by the PJF that confirmed the resolutions issued by COFECE	83.3%	91.3%	80.0%	78.6%	86.5%	82.2%	51.4%	79.1%

Source: COFECE.

Notes:

a. Considers data from September 11 to December 31st, 2013.

b. Considers data until June 30, 2019.

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