

Cofece-041-2022

Cofece initiates investigation to determine whether there are effective competition conditions in the maritime transport of passengers and roll-on/roll-off cargo in Baja California Sur

- *In the absence of effective competition conditions, the corresponding authority may implement regulations to restore competition.*
- *In 2021, more than 11 million tons of cargo and more than 198 thousand passengers were transported by sea in cabotage traffic, to or from ports in Baja California Sur.¹*

Mexico City, November 30, 2022.- The Investigative Authority (AI, per its initials in Spanish) of the Federal Economic Competition Commission (Cofece or Commission) published in the Federal Official Gazette the initiation of an investigation in the passengers and roll-on/roll-off cargo maritime transport services, as well as in cabotage navigation with origin or destination in Baja California Sur, in order to determine the existence of effective competition conditions. This inquiry was initiated *ex officio* and is identified with file number DC-001-2022.

Baja California Sur is the state with the longest coastline.² Due to its geographic position, roll-on/roll-off cargo and passengers maritime transport is key to move goods (such as food, construction materials and other raw materials), as well as persons to and from the state.

The procedure to resolve on the existence of effective competition conditions in a market takes place when the laws or sectorial regulations expressly provide for Cofece to resolve or issue its opinion on the matter. In the absence of such conditions, the corresponding authority may implement regulations to eliminate the effects caused by the lack of

¹ *Informe Estadístico Mensual, movimiento de carga, buques y pasajeros en los puertos de México, Enero – Diciembre, 2020 – 2021 [Monthly Statistical Report, cargo, vessel and passenger movement in Mexico's ports, January - December, 2020 – 2021]. Available (in Spanish) at: https://www.gob.mx/cms/uploads/attachment/file/698802/12_DICIEMBRE_2021.pdf*

² Information from the Integral Port Administration of BCS, available (in Spanish) at: <https://apibcs.com.mx/>



competition. In this case, it would be the Ministry of the Navy in accordance with Articles 130 and 140 of the Maritime Navigation and Commerce Law.

During this investigation, the AI has the attribution to request information or documentation from the sectoral regulators or to request it from the economic agents that participate in the market, as well as to make use of other investigative powers. Likewise, it is open to attend and receive information from any person who collaborates with the investigation. Said information may be submitted by e-mail to aicomunicacion@cofece.mx or directly to the Commission's Filing Office, located at Avenida Revolución 725, 1st floor, colonia Santa María Nonoalco, Benito Juárez, Mexico City, postal code 03700.

In accordance with Article 96 of the Federal Economic Competition Law, the AI has a period to conduct the investigation that may not be less than 15 or exceed 45 business days, which may be extended for a sole occasion for the same period. After that period, if applicable, a preliminary investigative opinion will be issued, to afterwards receive the manifestations of the persons with legal standing. Finally, the Board of Commissioners could issue a resolution on the declaration of effective competition conditions.

[Read the infographic on Effective competition conditions in the markets \(in Spanish\)](#)

[Read here the extract of the initiation agreement \(in Spanish\)](#)

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The Federal Economic Competition Commission safeguards competition and free market access.

Through its work, it seeks better conditions for consumers, that more services are supplied with higher quality and that there is a “level-playing-field” for companies

