

Cofece notifies a statement of probable responsibility to economic agents for possibly carrying out anticompetitive conducts in the market of medical oxygen

- *Medical oxygen is considered by the World Health Organization as an essential medicine. In the context of the SARS-CoV-2 (Covid) pandemic, medical oxygen was one of the most demanded medical supplies by hospitals and clinics.*
- *Medical oxygen is widely used in all healthcare environments, ranging from emergency rooms, operating rooms, intensive care, and hospital rooms to medical wards through inhaler treatments, as well as medical treatment for patients who require it.*

Mexico City, October 25, 2023. The Federal Economic Competition Commission (Cofece or Commission) notified a statement of probable responsibility to various economic agents that allegedly abused their dominant position, either jointly or individually, to carry out probable anticompetitive conducts of exclusivities in the market of production, distribution, and commercialization of medicinal oxygen and related services in the national territory. These conducts, known as [relative monopolistic practices](#), were included in the statement of probable responsibility issued by the Investigative Authority of Cofece.

The notification of the statement of probable responsibility initiates the trial-like procedure, where those involved may state their rights, offer evidence, and present arguments. Once the procedure is completed, the Board of Commissioners of Cofece will resolve it in accordance with the law. If the relative monopolistic practice is proven, the Commission will order the correction or elimination of the unlawful practice and the offenders could be fined with up to 8% of their annual income.

With the issuance of this statement of probable responsibility (file IO-001-2020), the Commission's commitment to a competition policy that generates tangible benefits for the Mexican population is reaffirmed, since medical oxygen is considered by the World Health Organization as an [essential medicine](#).

In this sense, the health sector is a priority for Cofece since, according to data from the National Survey of Household Income and Expenditures of the National Institute of Statistics and Geography, in 2020 alone, more than half of the households in Mexico reported expenditures related to health care. In addition, it is widely used in all healthcare environments. For this reason, the Commission will continue to focus its efforts on identifying anti-competitive conducts in these very relevant sectors that directly impact the welfare of the Mexican population and the economy.

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MORE COMPETITION FOR A STRONGER MEXICO

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.