

AGREEMENT TO STABILIZE TORTILLA PRICES v. FEDERAL LAW ON ECONOMIC COMPETITION ("FLEC")

I. THE AGREEMENT

1. IN JANUARY 2007, THE EXECUTIVE POWER INVITED REPRESENTATIVES OF THE PRODUCTIVE CHAIN CORN-TORTILLA TO DETERMINE MAXIMUM SELLING PRICES FOR CORN, CORN FLOUR AND TORTILLA.
2. SUCH PRICES COULD BE FOLLOWED ONLY ON A VOLUNTARY BASIS.

II. FLEC'S ARTICLE 7TH

3. IT ALLOWS THE EXECUTIVE POWER TO DETERMINE PRICES OF GOODS AND SERVICES REGARDED NECESSARY FOR THE NATIONAL ECONOMY OR BEING OF MASSIVE CONSUMPTION.
4. SUCH ARTICLE POINTS OUT "PRICES" WITHOUT SPECIFYING WHETHER THEY COULD BE FLOORS OR CEILINGS. YET ARTICLE 28 OF THE CONSTITUTION REFERS ONLY TO MAXIMUM PRICES.
5. FLEC'S ARTICLE 33 BIS INDICATES THAT THE FEDERAL COMPETITION COMMISSION, IN RESPONSE TO A PETITION BY THE EXECUTIVE POWER, SHOULD ISSUE A RESOLUTION ON MARKET CONDITIONS PREVIOUS TO A PRICE DETERMINATION OF SUCH NATURE.

III. FIRST CONCLUSION.

6. THE AGREEMENT HAS NOT BEEN MADE LEGALLY BINDING BY THE EXECUTIVE, THUS FLEC'S ARTICLES 7th AND 33 BIS ARE NOT APPLICABLE.

IV. FLEC'S ARTICL 9TH

7. IT STATES THAT AGREEMENTS AMONG COMPETITORS IN ORDER TO DETERMINE MARKET PRICES ARE UNLAWFUL.
8. IT DOES NOT ALLOW ANY EXEMPTIONS.

V. SECOND CONCLUSION.

9. THE EXECUTIVE POWER AND INVOLVED ECONOMIC AGENTS IN SUCH AGREEMENT ARE ACTING ILLEGALLY AGAINST THE FLEC.

VI. REMARK.

10. THE FLEC SHOULD BE AMENDED TO ALLOW FOR EXCEPTIONAL CASES.

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