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Discussion topic.

Competition Law. On slots and “anticompetitive effects”

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1. The Federal Economic Competition Law (FECL) contains the following provision:

*Article 94. The Commission shall commence either ex-officio or per request of the Federal Executive Branch, directly or through the Ministry, the investigation procedure when there are elements suggesting there are no effective competition conditions in a market and aiming to determine the existence of barriers to competition and free market access or of essential facilities that could generate **anticompetitive effects**, which shall be conducted pursuant to the following: ...*

2. Application of this provision may result eventually in regulatory measures upon involved economic agents in the market or markets whereby such anticompetitive effects are present or might take place.
3. Pursuant to FECL, anticompetitive effects are those derived from anticompetitive conduct. Anticompetitive conduct is determined as:

*Article 52. **Monopolies, monopolistic practices, unlawful concentrations, and the barriers which, in terms of this Law**, hinder, harm, impede or condition any form of free market access or economic competition concerning the production, processing, distribution or marketing of goods or services are hereby prohibited.*

4. FECL establishes a **framework with explicit procedures** regarding monopolistic practices, unlawful concentrations and competition barriers.
5. My understanding is that anticompetitive effects have to be evaluated taking account of the elements and conditions comprised in such procedures.
6. **Recently the Authority of Investigation at the Federal Competition Commission (FCC) issued a preliminary report on the way slots at Mexico City’s International Airport are allocated. It pinpoints several so called “anticompetitive effects” derived from such allocation. As far as I see such findings are established out of the framework referred to. A due review of them is suggested.**¹

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¹Authority of Investigation. File: IEBC-001-2015, at https://cofece.mx/cofece/images/AI/Dictamen_preliminar_29022016_.pdf