



**Administrative Arrangement on Cooperation
in the Field of Competition Law and Enforcement**

between,

on the one side

The Directorate-General for Competition of the European Commission

and,

on the other side

**The Federal Economic Competition Commission
of Mexico**

each of them individually referred to as "Side" and jointly as "Sides".

Having regard to the importance of cooperation between the Sides in the enhancement of an effective, transparent and non-discriminatory enforcement of the competition law of both jurisdictions, the Sides have reached the following understanding:

1. Purpose

- 1.1. The purpose of this Administrative Arrangement is to promote and strengthen cooperation between the two Sides in the area of competition law and enforcement. With the signing of this Administrative Arrangement, the Sides are also seeking to increase awareness and mutual understanding of their respective legal frameworks and enforcement practices in this area.
- 1.2. The present Administrative Arrangement is based on the principles of equality and mutual benefits.

2. Exchange of information

- 2.1. Both Sides consider that it is in their common interest to exchange non-confidential information, experiences and views on matters regarding competition law and enforcement, with regard to:

- (a) Important developments in their respective competition laws and policies;
 - (b) Multilateral competition initiatives;
 - (c) Competition advocacy including ways to promote a culture of competition;
 - (d) The implementation of the present Administrative Arrangement.
- 2.2. Where appropriate and practicable, and subject to reasonably available resources, the Sides envisage exchanging non-confidential information, experiences and views on their respective enforcement activities.
- 2.3. When the individual or undertaking that provided the information has given its express and written consent, the competition authorities may also transmit each other confidential information in their possession, in which case the receiving Side shall use the information received in accordance with the terms of the waiver.
- 2.4. If one Side considers that a particular enforcement activity affects or could affect the important interest of the other Side, it endeavours to inform the other Side as soon as practicable, to the extent that this does not affect the ongoing enforcement activity.

3. Coordination of enforcement activities

- 3.1. Should the two Sides pursue enforcement activities concerning the same or related matters, they would endeavour to coordinate their enforcement activities.
- 3.2. The appropriateness and the extent of coordination will be individually assessed by each of the Sides on a case by case basis.

4. Request to initiate enforcement activities (Positive comity)

- 4.1. If one Side (the "requesting Side") believes that anti-competitive practices carried out on the territory of the other Side adversely affect competition on its territory, it can request the other Side (the "requested Side") on the basis of this administrative arrangement to initiate appropriate enforcement activities in accordance with the requested Side's competition law. Nothing in this Administrative Arrangement will preclude the requesting Side from withdrawing its request.
- 4.2. The requested Side will consider the possibility, in accordance with its competition law, of initiating enforcement activities, or expanding on-going enforcement activities, with respect to the anti-competitive practices identified by the requesting Side and it will inform the requesting Side about the result of its considerations.
- 4.3. Nothing in this Administrative Arrangement will limit the discretion of the requested Side to decide whether to initiate enforcement activities, or expand on-going enforcement activities, with respect to the anti-competitive practices identified by the requesting Side. In the case of not initiating enforcement activities, or not expanding ongoing activities within a reasonable timeframe, the requested Side will explain its position to the requesting Side.

5. Consultations on the avoidance of conflicts over enforcement activities

(Negative comity)

- 5.1. The Sides acknowledge that it will be in their common interest to minimise any potentially adverse effects of one Side's enforcement activities on the other Side's interests in the application of its competition law.
- 5.2. One Side (the "informing Side") may inform the other Side (the "informed Side") which and how the enforcement activities of the latter may affect the informing Side's interests in the application of its competition law. The informed Side will endeavour to exchange views and conduct consultations on the issues raised by the informing Side.
- 5.3. Without prejudice to the continuation of any action under its competition law and to its full freedom of decision, the informed Side endeavours to give full and sympathetic consideration to the views expressed by the informing Side.

6. Technical cooperation (capacity building)

- 6.1. Both Sides consider that it is in their common interest to support the objective of this Administrative Arrangement, whenever appropriate and practicable, with technical cooperation.
- 6.2. Subject to reasonably available resources, the Sides could envisage technical cooperation activities such as:
 - (a) Providing advice or training on relevant issues, including through the exchange of officials;
 - (b) Assisting each other regarding the implementation of international best practices.

7. Meetings

- 7.1. The Sides endeavour to conduct meetings, in person, telephone calls, or through electronic means, to:
 - (a) Discuss current issues, experiences and new developments of mutual interest with respect of competition law and enforcement;
 - (b) Exchange views with respect to multilateral competition initiatives; and
 - (c) Discuss any questions arising from the implementation of the present Administrative Arrangement as soon as practicable, having regard to the particular circumstances.
- 7.2. The Sides intend to take advantage of the opportunities to meet within the framework of the international events in which both Sides take part.

8. Costs

- 8.1. Each Side covers its own costs resulting from the implementation of the present Administrative Arrangement, including the costs of interpretation and all transportation costs, living expenses and accommodation.

9. Applicable Legal Framework and Autonomy of the Sides

- 9.1. The cooperation or coordination between the Sides under the present Administrative Arrangement is subject to their respective legal framework. Nothing in this Administrative Arrangement will require a Side to take any

action, or refrain from acting, in a manner inconsistent with the respective legal framework, or will require the repeal or amendment of that legal framework.

- 9.2. One Side cannot take sanctions or similar measures against the other Side under this Administrative Arrangement

10. Confidentiality

- 10.1. No Side is required to communicate information to the other Side if such communication is prohibited by the legislation of the Side possessing the information, or would be incompatible with the interests of that Side in the application of its laws.
- 10.2. Any information communicated under this Agreement shall be treated by the receiving Side as confidential unless the other Side has authorised the disclosure or made that information available to the general public.

11. Communications under this Administrative Arrangement

- 11.1. Each Side will designate a contact point to which the information necessary for the good execution of this Administrative Arrangement will be communicated.
- 11.2. The Sides intend to inform each other promptly of any change in their contact point.

12. Final provisions

- 12.1. The working language under this Administrative Arrangement is English.
- 12.2. The Sides intend to apply the provisions of this Administrative Arrangement on a voluntary basis.
- 12.3. This Administrative Arrangement shall not be considered as an international treaty. The provisions of this Administrative Arrangement are not intended to create legal rights or obligations under international law.
- 12.4. The Administrative Arrangement may be discontinued by each Side by written notice to the other Side. The Side giving the notice will strive to do so at least sixty days before such discontinuation.
- 12.5. If the development of cooperation between the Sides requires so, the Sides may agree to amend this Administrative Arrangement accordingly.


The present Administrative Arrangement is signed in Brussels on 4 June 2018 in two copies, each in Spanish and English.

For the Directorate-General for
Competition of the European Commission



Margrethe VESTAGER
Commissioner

For the Mexican Federal Economic
Competition Commission



Alejandra PALACIOS PRIETO
President